

1 These pertinent laws and issuances on civil service lay the legal framework in
2 crafting our own **Bangsamoro Civil Service Code of 2020**, which would
3 hopefully pave the way in helping professionalize and institutionalize the entire
4 bureaucracy of the Bangsamoro Government.

5 By legislating this Code, the intent is to provide an effective instrument for
6 good governance and responsive policies on human resource administration of
7 the Bangsamoro Government by maintaining and/or improving existing
8 national civil service rules, regulations and standards while addressing the
9 legitimate needs and peculiarities of the Bangsamoro people in the region.

10 It bears great emphasis that this Bill particularly seeks to provide a favorable
11 policy environment that would give chance to our qualified *mujahideen* to be
12 considered for employment by the Bangsamoro Government during the
13 transition period. This special provision is our humble gesture of recognizing
14 the contributions of our *mujahideen* and *mujahidat* who have valiantly and
15 unselfishly put their lives in the forefront of the Bangsamoro struggle for right
16 to self-determination, social justice and equality. This time, however, we will
17 pave the road for them to be part of our collective crusade for effective and
18 peaceful governance of our region that has long been beset with conflicts and
19 turmoil for decades.

20 In view of the foregoing, As Chair and main Author of this Bill, I enjoin the BTA
21 Parliament to enact this priority legislation for us to help build a bureaucracy
22 with utmost professionalism and higher standards.

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HON. AIDA M. SILONGAN
Member, BTA Parliament/
Author

1 **Republic of the Philippines**
2 **Bangsamoro Autonomous Region in Muslim Mindanao**
3 **BANGSAMORO TRANSITION AUTHORITY**
4 **Cotabato City**

5
6 _____ **Regular Session**

7
8 Begun and held in the City of Cotabato, on _____
9

10
11 BANGSAMORO TRANSITION AUTHORITY ACT NO. _____
12

13 **AN ACT PROVIDING FOR THE BANGSAMORO CIVIL SERVICE CODE**
14 **OF THE BANGSAMORO AUTONOMOUS REGION IN MUSLIM MINDANAO**
15 **(BARMM)**
16

17 Be it enacted by the Bangsamoro Transition Authority in a session
18 assembled:
19

20
21 **BOOK I**
22 **PRELIMINARY TITLE**
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25 **Chapter I**
26 **GENERAL PROVISIONS**
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28
29 **Article 1.** *Title.* This Code shall be known as the Bangsamoro Civil
30 Service Code of 2020.
31

32 **Article 2.** *Basis.* The Bangsamoro Organic Law (RA 11054) provides
33 that the Bangsamoro Government shall exercise its authority over the civil
34 service without prejudice to the general supervision of the President of the
35 Republic of the Philippines.
36

37 The Bangsamoro Transition Authority (BTA) may enact a Bangsamoro
38 Civil Service Code subject to the constitutional mandate of the Civil Service
39 Commission (CSC).
40

41 The Bangsamoro Government shall enact a civil service law provided
42 that it shall be in accordance with existing national laws. In case of conflict
43 with the national laws, the Constitution and existing national civil service laws,
44 rules, and regulations shall prevail. This law shall govern the conduct of civil
45 servants, the qualifications for non-elective positions, adopt the merit and
46 fitness system, and protect civil service eligibles in various government

1 positions, including government-owned or controlled corporations with original
2 charters in the Bangsamoro Autonomous Region. The Bangsamoro
3 Government shall have disciplinary authority over its own officials and
4 employees.

5
6 The Civil Service Commission shall establish a regional Civil Service
7 field office and other field offices as may be needed in the Bangsamoro
8 Autonomous Region for the efficient performance of its powers and duties.

9
10 **Article 3. Purpose.** The purpose of this Code is to provide an effective
11 instrument for good governance and responsive policies on human resource
12 administration of the Bangsamoro Government in accordance with the
13 ministerial form of government provided for under the Bangsamoro Organic
14 Law and relevant provisions of the Government of the Philippines-Moro Islamic
15 Liberation Front (GPH-MILF) peace agreements.

16
17 **Article 4. Declaration of Policy.** It shall be the policy of the Bangsamoro
18 Government to insure and promote the constitutional mandate that
19 appointment in the civil service shall be made according to merit and fitness, to
20 provide within the public service a progressive system of personnel
21 administration, and to adopt measures to promote morale and the highest
22 degree of responsibility, morality, integrity, loyalty, efficiency, and
23 professionalism in the civil service.

24
25 It shall take cognizance of the aspirations of the Bangsamoro people
26 and other inhabitants in the Bangsamoro Autonomous Region to chart a
27 responsive, effective and efficient bureaucracy that will allow genuine and
28 meaningful self-governance, and to establish an enduring peace on the basis of
29 justice and balanced society, reflective of their system of life.

30
31 There shall be no discrimination on employment opportunities on
32 account of religion, culture, ethnicity, social orientation, or political affiliation.

33
34 **Article 5. Nature of Public Office.** Public office is a public trust and a
35 moral responsibility. Public officers and employees shall serve with the highest
36 degree of responsibility, morality, integrity, loyalty, and efficiency, and shall
37 remain accountable to the people.

38
39 **Article 6. Definition of Terms.** As used in this Code, the following terms
40 shall be construed as follows:

- 41
42 a. "Agency" means any ministry, bureau, office, commission,
43 administration, board, committee, institute, corporation, whether
44 performing governmental or proprietary function, or any other unit
45 of the Bangsamoro Autonomous Government, as well as provincial,

1 city or municipal government, except as hereinafter otherwise
2 provided.

- 3
- 4 b. "Bangsamoro Government" refers to the corporate parliamentary
5 entity through which the functions of government are exercised
6 throughout the Bangsamoro Autonomous Region in Muslim
7 Mindanao, including various arms through which the political
8 authority is made effective, whether pertaining to the provincial,
9 city, municipal or barangay local government.
- 10
- 11 c. "Bangsamoro Mufti" refers to the highest-ranking mufti in the
12 Bangsamoro Autonomous Region in Muslim Mindanao.
- 13
- 14 d. "Chief Minister" refers to the head of the Bangsamoro Government
15 elected by a majority vote of the Members of the Parliament.
- 16
- 17 e. "Civil Servant" includes public officials and employees, elective and
18 appointive, permanent or temporary, whether in the career or non-
19 career service, including military and police personnel, whether or
20 not they receive compensation, regardless of amount.
- 21
- 22 f. "Civil Service" embraces all branches, subdivisions,
23 instrumentalities, ministries, offices and agencies of the
24 Bangsamoro Government including government-owned or controlled
25 corporations with original charter in the Bangsamoro Autonomous
26 Region.
- 27
- 28 g. "Civil Service Commission – Bangsamoro Autonomous Region in
29 Muslim Mindanao (CSC-BARMM)" refers to the Civil Service
30 Commission regional field office to include other field offices as
31 provided under Section 39, Article VII of R.A. No. 11054.
- 32
- 33 h. "Commission" refers to the Civil Service Commission as the central
34 personnel agency of the Philippine Government.
- 35
- 36 i. "Eligible" refers to a person who obtains a passing grade in a civil
37 service examination or is granted a civil service eligibility and whose
38 name is entered in the register of eligibles in the Civil Service
39 Commission.
- 40
- 41 j. "Examination" refers to a civil service examination conducted by the
42 Civil Service Commission.
- 43
- 44 k. "Gift" refers to a thing or a right to dispose of gratuitously, or any
45 act or liberality, in favor of another who accepts it, and shall include
46 a simulated sale or an ostensibly onerous disposition thereof.

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- l. "Government Service" refers to the process or transaction between applicants or requesting parties and government offices or agencies involving applications for any privilege, right, reward, license, clearance, permit or authorization, concession, or for any modification, renewal or extension of the enumerated applications or requests which are acted upon in the ordinary course of business of the agency or office concerned.
 - m. "Highly Technical Position" a position which requires the use of technical knowledge, specialized skills and/or training.
 - n. "Madaris Education" refers to the recognized types or category of Madrasah in the BARMM such as Traditional Madrasah, Formal Madrasah, and Standard Private Madrasah as may be defined by the Bangsamoro Education Code.
 - o. "Ministry" refers to any of the executive governmental department of the Bangsamoro Government headed by a minister.
 - p. "Morality" refers to the ethical standard in conformity with the ideals of right human conduct.
 - q. "Mujahideen" refers to the legitimate members (women and men) of the Moro Islamic Liberation Front (MILF) and the Moro National Liberation Front (MNLF) duly certified by the Chairman of their respective central committee.
 - r. "Senior Deputy Chief Minister" refers to one of the deputies of the Chief Minister who is senior in age.

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Chapter II

SCOPE OF THE BANGSAMORO CIVIL SERVICE

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Article 7. *Positions Embraced in the Bangsamoro Civil Service.* The Bangsamoro Civil Service embraces all public positions in every branch, ministry, agency, subdivision, and instrumentality of the Bangsamoro Government, including government-owned or controlled corporations with original charters in the Bangsamoro Autonomous Region.

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Positions in the Bangsamoro Civil Service shall be classified into career service and non-career service as defined by existing civil service laws, rules and regulations.

1 **Article 8. Career Service.** The Bangsamoro Career Service shall be
2 characterized by (1) entrance based on merit and fitness to be determined as
3 far as practicable by competitive examinations, but does not apply to
4 appointments to positions which are policy determining, primarily confidential,
5 or highly technical qualifications; (2) opportunity for advancement to higher
6 career positions; and (3) security of tenure.

7
8 The Bangsamoro Career Service shall include:

- 9
- 10 1. Open Career positions for appointment to which prior qualification
11 in an appropriate examination is required;
 - 12
 - 13 2. Closed Career positions which are scientific or highly technical in
14 nature; these include the faculty and academic staff of state colleges
15 and universities, and scientific and technical positions in scientific
16 or research institutions which shall establish and maintain their
17 own merit systems;
 - 18
 - 19 3. Other positions in the Bangsamoro Autonomous Region in Muslim
20 Mindanao (BARMM). These include Bangsamoro Director General
21 and other positions that may be created by the Bangsamoro
22 Parliament;
 - 23
 - 24 4. Personnel of government-owned or controlled corporations, whether
25 performing governmental or proprietary functions, who do not fall
26 under the non-career service; and,
 - 27
 - 28 5. Permanent laborers, whether skilled, semi-skilled, or unskilled.

29

30 **Article 9. Non-Career Service.** The Bangsamoro Non-Career Service
31 shall be characterized by (1) entrance on bases other than those of the usual
32 tests of merit and fitness utilized for the career service; and (2) tenure which is
33 limited to a period specified by law, or which is coterminous with that of the
34 appointing authority or subject to his pleasure, or which is limited to the
35 duration of a particular project for which purpose employment was made.

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37 The Bangsamoro Non-Career Service shall include:

- 38
- 39 1. Elective officials and their personal or confidential staff;
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 - 41 2. Ministers and other officials of cabinet rank who hold positions at
42 the pleasure of the Chief Minister and their personal or confidential
43 staff;
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 - 45 3. Chairman and members of commissions and boards with fixed
46 terms of office and their personal or confidential staff;

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2 4. Contractual personnel or those whose employment in the
3 Bangsamoro Autonomous Government is in accordance with a
4 special contract to undertake a specific work or job, requiring
5 special or technical skills not available in the employing agency, to
6 be accomplished within a specific period, which in no case shall
7 exceed one year, and performs or accomplishes the specific work or
8 job, under his own responsibility with a minimum of direction and
9 supervision from the hiring agency;
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11 5. Positions which are policy determining or primarily confidential; and
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13 6. Emergency and seasonal personnel.
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16 **Chapter III**
17 **HUMAN RESOURCE POLICIES AND STANDARDS**
18

19 **Article 10. Recruitment and Selection of Employees.** (1) Opportunity for
20 government employment shall be open to all qualified citizens, preferably
21 residents of the region for regional employment or of the province for provincial
22 employment, or Bangsamoro as defined in R.A. No. 11054 (Bangsamoro
23 Organic Law). Positive efforts shall be exerted to attract the best qualified
24 residents of the Bangsamoro Autonomous region to enter the service.
25 Employees shall be selected on the basis of fitness to perform the duties and
26 assume the responsibilities of the positions.
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28 **Article 11. Vacancy.** When a vacancy occurs in a position in the first
29 level of the Career Service as defined in Article 8, the employees in the
30 ministry, office or agency who occupy the next lower positions in the
31 occupational group under which the vacant position is classified, and in other
32 functionally related occupational groups and who are competent, qualified and
33 with the appropriate civil service eligibility shall be considered for promotion.
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35 When a vacancy occurs in a position in the second level of the Career
36 Service as defined in Article 8, the employees in the government service who
37 occupy the next lower positions in the occupational group under which the
38 vacant position is classified and in other functionally related occupational
39 groups and who are competent, qualified and with the appropriate civil service
40 eligibility shall be considered for promotion.
41

42 If the vacancy is not filled by promotion as provided herein the same
43 shall be filled by transfer of present employees in the government service, by
44 reinstatement, by re-employment of persons separated through reduction in
45 force, or by appointment of persons with the civil service eligibility appropriate
46 to the positions.

1
2 **Article 12. Screening Process.** For purposes of this Chapter, each
3 ministry or agency shall evolve its own screening process, which may include
4 tests of fitness, in accordance with standards and guidelines set by the Civil
5 Service Commission. Promotion boards shall be formed to formulate criteria for
6 evaluation, conduct tests or interviews, and make systematic assessment of
7 training experience.
8

9 **Article 13. When Appropriate Examinations Required.** Qualification in
10 an appropriate examination shall be required for appointment to positions in
11 the first and second levels in the career service in accordance with the Civil
12 Service rules, except as otherwise provided by law: *Provided*, that whenever
13 there is a civil service eligible actually available for appointment, no person
14 who is not such an eligible shall be appointed even in a temporary capacity to
15 any vacant position in the career service in the government or in any
16 government-owned or controlled corporation with original charter, except when
17 the immediate filling of the vacancy is urgently required in the public interest,
18 or when the vacancy is not permanent, in which cases temporary appointments
19 of non-eligibles may be made in the absence of eligibles actually and
20 immediately available.
21

22 The appropriate examinations herein referred to shall be those given by
23 the Commission and the different agencies: *provided*, that a person with a civil
24 service eligibility acquired by successfully passing an examination shall be
25 qualified for a position requiring a lower eligibility if he possesses the other
26 requirements for appointment to such position.
27

28 **Article 14. Special Examinations for Indigenous Peoples in the BARMM.**
29 In line with the Bangsamoro Government's policy to promote inclusivity for
30 Moro and non-Moro indigenous peoples and accelerate the development of the
31 areas occupied by them, special examinations for Indigenous Peoples may be
32 requested by the Bangsamoro Government.
33

34 **Article 15. Reduction in Force.** Whenever it becomes necessary because
35 of lack of work or funds or due to a change in the scope or nature of a ministry,
36 office or agency's program, or as a result of reorganization, to reduce the staff
37 of any ministry, office or agency, those in the same group or class of positions
38 in one or more agencies within the particular ministry or agency wherein the
39 reduction is to be effected, shall be reasonably compared in terms of relative
40 fitness, efficiency and length of service, and those found to be least qualified for
41 the remaining positions shall be laid off.
42

43 **Article 16. Career and Human Resource Development.** The development
44 and retention of a competent and efficient work force in the public service is a
45 primary concern of Bangsamoro Government. It shall be the policy of the

1 Bangsamoro Government that a continuing program of career and human
2 resource development in BARMM shall serve as the basis for all career and
3 personnel development activities in the Bangsamoro Government.
4

5 **Article 17.** *Career and Human Resource Development Plans.* Each
6 ministry or agency shall prepare a career and personnel development plan.
7 Such career and personnel development plan shall include provisions on merit
8 promotions, performance evaluation, in-service training, including overseas
9 and local scholarships and training grants, job rotation, suggestions and
10 incentive award systems, and such other provisions for employees' health,
11 welfare, counseling, recreation and similar services.
12

13 **Article 18.** *Inspection and Audit.* The CSC-BARMM, through its
14 designated representatives, shall conduct a periodic inspection and audit of the
15 personnel management program of each ministry, agency, province or city, in
16 order to: (a) determine compliance with this Code, rules and standards; (b)
17 review the discharge of delegated authority; (c) make an adequate evaluation of
18 the progress made and problems encountered in the conduct of the merit
19 system in the Bangsamoro Government including Bangsamoro Government-
20 owned or controlled corporations; (d) give advice and provide assistance in
21 developing constructive policies, standards and procedures, and (e) stimulate
22 improvement in all areas of personnel management.
23

24 Periodic inspection and audit will include an appraisal of personnel
25 management operations and activities relative to: (a) formulation and issuance
26 of personnel policy; (b) recruitment and selection of employees; (c) personnel
27 action and employment status; (d) career and employee development; (e)
28 performance evaluation system; (f) employee suggestions and incentive award;
29 (g) employee relations and services; (h) discipline; (i) personnel records and
30 reporting; and (j) program evaluation.
31

32 **Article 19.** *Complaints and Grievances.* Employees shall have the right
33 to present their complaints or grievances to management and have them
34 adjudicated as expeditiously as possible in the best interest of the agency, the
35 government as a whole, and the employee concerned. Such complaint or
36 grievances shall be resolved at the lowest possible level in the ministry or
37 agency, as the case may be, and the employee shall have the right to appeal
38 such decision to higher authorities.
39

40 The Bangsamoro Government shall promulgate rules and regulations
41 governing expeditious, fair, and equitable adjustment of employees' complaints
42 or grievances in accordance with the policies enunciated by the Commission.
43

44 **Article 20.** *Employee Suggestions System.* There shall be established a
45 region-wide employee suggestions system which shall be administered under

1 such rules, regulations, and standards as may be promulgated by the
2 Bangsamoro Government.

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10 **BOOK II**
11 **QUALIFICATIONS OF NON-ELECTIVE POSITIONS**

12 **Chapter I**
13 **GENERAL POLICIES AND PROCEDURES ON APPOINTMENTS**

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15 **Article 21.** *General Policies on Appointment.* The Bangsamoro
16 Government shall ensure and promote the constitutional mandate that
17 appointments in the Civil Service shall be made only according to merit and
18 fitness. Merit and fitness shall be determined, as far as practicable, by
19 competitive examinations. This does not apply to appointments to positions
20 which are policy determining, primarily confidential, or highly technical.

21
22 **Article 22.** *Human Resource Action.* Any action denoting the movement
23 or progress of human resource in the civil service such as promotion, transfer,
24 reappointment, reinstatement, reemployment, reclassification, detail,
25 reassignment, secondment, demotion and separation shall be known as human
26 resource action.

27
28 **Article 23.** *Procedures in the preparation of appointments.* The following
29 procedures shall be strictly observed in the preparation of appointments for
30 authorized positions found in the Plantilla of Personnel and lump sum
31 appropriation for contractual employees:

- 32
33 a. *Appointment Form.* The appointment form, which shall be in the
34 prescribed CSC form, shall be used for appointments in the career
35 and non-career service except those for casual appointments. The
36 same may be translated to Arabic. The appointment must be
37 prepared in three (3) original copies: one copy each for the
38 appointee, for the CSC and for the agency.

39
40 The following items in the appointment form shall be properly
41 filled in, as follows:

- 42
43 1. *Name of the Appointee.* The name indicated on the
44 appointment must be the same name appearing in the Certificate
45 of Live Birth submitted by the appointee and the Certificate of

1 Marriage, in the case of a married female employee who opts to
2 use the surname of her husband. The name of the appointee
3 should be written in the following format: first name, middle
4 name or initial, last name and name extension, if any.
5

6 2. *Position Title, Salary/Job/Pay Grade and Step.* The position
7 title, salary/job/pay grade and step (if applicable) indicated in the
8 appointment shall conform to the approved Plantilla of Personnel
9 and should be found in the Index of Occupational Services (IOS),
10 Position Titles and Salary Grades. The parenthetical title, if any,
11 and salary/job/pay grade of the position shall be indicated after
12 the position title. The parenthetical position title refers to the
13 position title based on the actual duties and responsibilities in the
14 Position Description Form and shall be the basis for the
15 qualification standards.
16

17 3. *Employment Status.* The employment status shall be
18 indicated on the space provided therefor. It may be permanent,
19 temporary, coterminous, fixed term, contractual, substitute, or
20 provisional. For contractual appointment, the duration of
21 employment shall be indicated on the space provided for the
22 Status of Appointment.
23

24 4. *Ministry or Agency.* The name of the ministry or agency shall
25 be indicated in the appointment form. For station-specific
26 appointments, the name of office or unit shall be indicated.
27

28 5. *Compensation Rate.* The corresponding amount of the
29 monthly salary of the position based on the salary/job/pay grade
30 and salary step thereof shall be indicated.
31

32 6. *Nature of Appointment.* The nature of appointment, which
33 may be original, promotion, transfer, reemployment,
34 reappointment, reinstatement, reclassification, or demotion, shall
35 be indicated on the space provided therefor.
36

37 7. *Plantilla Information.* The name of the employee being
38 replaced by the appointee should be indicated on the space
39 provided, in addition to the Plantilla Item Number of the position
40 and the page where the position can be found in the approved
41 Plantilla of Personnel in the current year.
42

43 8. *Signature of the Appointing Officer/Authority.* The three (3)
44 original copies of the appointment must be duly signed by the
45 appointing officer/authority. The appointing officer/authority is

1 the person or body authorized by law to make appointments in
2 the Philippine Civil Service.

3
4 In case the appointing officer/authority delegates the authority to
5 issue appointments to a next-in-rank official in the same agency,
6 as authorized by law, a copy of the Office/Board Resolution or
7 Order for the said purpose shall be submitted to the CSC-
8 BARMM.

9
10 In no case shall digital/electronic or rubber-stamped signature of
11 the appointing officer/authority on the appointment be allowed.

12
13 9. *Date of Signing.* The date of signing, which is the date of the
14 issuance and the date of effectivity of the appointment, shall be
15 indicated below the signature of the appointing officer/authority.

16
17 10. *Certification as to the Completeness and Authenticity of the*
18 *Requirements.* The HRMO shall thoroughly review and check the
19 veracity, authenticity and completeness of all the requirements.

20
21 11. *Certification of Publication and Posting of Vacancy.* Vacant
22 positions authorized to be filled shall be published and posted in
23 at least three (3) conspicuous places for a period of at least ten
24 (10) calendar days for national government agencies (NGAs), state
25 universities and colleges (SUCs), and government-owned or
26 controlled corporations (GOCCs) with original charters in
27 accordance with RA No. 7041 and its implementing guidelines,
28 and not less than fifteen (15) calendar days for local government
29 units pursuant to Section 80(a), Title Three, Book I, RA No. 7160,
30 and Chapter IV Book II hereof.

31
32 The certification on the publication and posting of the vacant
33 position including the date the deliberation was conducted by the
34 Bangsamoro Promotion and Selection Board should be duly
35 signed by the authorized HRMO.

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37 12. *Certification of Bangsamoro Promotion and Selection Board*
38 *(BPSB) Evaluation/Screening.* All appointees should be screened
39 and evaluated by the BPSB, if applicable. As proof thereof, a
40 certification signed by the Chairperson of the BPSB at the back of
41 the appointment specifying that the majority of the BPSB
42 members was present during the deliberation or alternatively, a
43 copy of the proceedings/minutes of the BPSB deliberation shall be
44 submitted together with the appointment. The BPSB deliberation
45 in the NGAs, GOCCs with original charters, and SUCs (for their

1 administrative and support staff) shall commence not earlier than
2 ten (10) calendar days from the date of posting and publication of
3 vacant positions; and in the local government units (LGUs) it shall
4 not be made earlier than fifteen (15) calendar days from the date
5 of posting and publication of vacant positions.
6

7 13. *Certification by the Placement Committee.* Reappointment to a
8 comparable position as a result of reorganization pursuant to RA
9 No. 6656 or other laws shall be assessed by the Placement
10 Committee. As proof thereof, a certification shall be signed by the
11 Chairperson of the Placement Committee at the back of the
12 appointment.
13

14 b. *Personal Data Sheet.* The Personal Data Sheet (PDS), as
15 prescribed by CSC, updated and accomplished properly and
16 completely by the appointee, shall be attached to the
17 appointment. Said PDS shall contain an authorization from the
18 employee that the CSC, ministry, office or agency head or their
19 authorized representative can verify/validate the contents therein.
20 It shall also be subscribed and sworn to before the HRMO or
21 his/her authorized official in the agency, any officer authorized to
22 administer oaths or a notary public. The PDS may be
23 accomplished by the appointee either through his/her own
24 handwriting or via typewriter/computer and must bear his/her
25 signature on every page with a passport-size ID picture taken
26 within the last six (6) months attached at the last page thereof.
27

28 c. *Position Description Form.* The Position Description Form, as
29 prescribed by DBM and CSC, properly and completely
30 accomplished, shall be attached to all appointments for
31 authorized positions found in the Plantilla of Personnel and lump
32 sum appropriation for contractual employees.
33

34 **Article 24.** *Procedure in the Preparation of Casual Appointments.* The
35 following procedures shall be strictly observed in the preparation of casual
36 appointments:
37

38 a. *Appointment Form.* The Plantilla of Casual Appointment shall be in
39 the CSC prescribed form. The appointment must be prepared in
40 three (3) original copies (appointee's copy, CSC copy and agency
41 copy). A maximum of fifteen (15) names of appointees, arranged
42 alphabetically, shall be indicated in every page thereof.
43

44 b. *Source of Funds.* The source of funds for casual appointment shall
45 always be indicated on the space provided.

1
2 c. *Name of Appointee/s.* The name indicated on the appointment must
3 be the same name appearing in the Certificate of Live Birth
4 submitted by each of the appointee and the Certificate of Marriage,
5 in the case of a married female appointee who opts to use the
6 surname of her husband. The name of the appointee should be
7 written in the following format: last name, first name, name
8 extension (if any), and middle name or initial.
9

10 Only a maximum of fifteen (15) appointees must be listed on each
11 page of the Plantilla of Casual Appointments. The HRMO must also
12 indicate 'NOTHING FOLLOWS' on the row following the name of the
13 last appointee on the last page of the Plantilla. The agency HRMO
14 should provide proper pagination (Page n of n page/s).
15

16 d. *Position Title.* The position title indicated in the appointment should
17 be found in the IOS. The salary/job/pay grade, level of position, and
18 the corresponding compensation rate per day for each appointee
19 listed in the Plantilla of Casual Appointment shall always be
20 indicated.
21

22 e. *Period of Employment.* The period of employment, which shall be the
23 duration of the casual appointment of each appointee listed in the
24 Plantilla of Casual Appointment shall be indicated in the following
25 format: month, day and year (e.g. From: 07/01/2017 To:
26 12/31/2017).
27

28 f. *Nature of Appointment.* The nature of appointment, such as original,
29 reappointment or reemployment shall be indicated on the space
30 provided.
31

32 g. *Signature of the Appointing Officer/Authority.* The three (3) original
33 copies of the appointment must be duly signed by the appointing
34 officer/authority. The appointing officer/authority is the person or
35 body authorized by law to make appointments in the Philippine Civil
36 Service.
37

38 In case the appointing officer/authority delegates the authority to
39 issue appointments to a next-in-rank official in the same agency, as
40 authorized by law, a copy of the Bangsamoro Autonomy Act for the
41 said purpose shall be furnished to the CSC-BARMM.
42

43 In no case shall digital/electronic or rubber-stamped signature of
44 the appointing officer/authority on the appointment be allowed.
45

1 h. *Date of Signing.* The date of signing, which is the date of the
2 issuance and the date of effectivity of the appointment, shall be
3 indicated below the signature of the appointing officer/authority.
4

5 i. *Certification as to the Completeness and Authenticity of the*
6 *Requirements.* The HRMO shall thoroughly review and check the
7 veracity, authenticity and completeness of all the requirements and
8 documents in support of the appointment. He/she shall sign the
9 certification at the lower portion of the appointment.
10

11 j. *Certification (For LGUs).* The Provincial/City/Municipal Accountant
12 shall certify that funds are available for the subject appointment/s.
13

14 The appointing officer/authority shall certify that such appointment
15 is issued in accordance with the limitations provided under Section
16 325 of the Local Government Code of 1991 (RA No. 7160).
17

18 In case the Local Accountant position is vacant, the Local Assistant
19 Accountant shall sign the certification. In the absence of such
20 position, the Local Chief Executive may designate the Local Budget
21 Officer to certify the availability of funds. The delegation should be
22 supported by an Office Order, a copy of which should be furnished
23 the CSC-BARMM.
24

25 k. *Personal Data Sheet (PDS).* The PDS, as prescribed by CSC,
26 completed by the appointee, subject to the requirements of Item b,
27 Article 23 of this Book shall be attached to the Plantilla of Casual
28 Appointments. The PDS need not be attached to the appointment
29 involving Reappointment (renewal).
30

31 32 **CHAPTER II** 33 **EMPLOYMENT STATUS** 34

35 **Article 25.** *Employment Status.* The employment status in the civil
36 service shall be determined by the appointment issued, which can be any of the
37 following: permanent, temporary, substitute, coterminous, fixed term,
38 contractual, and casual.
39

40 **Article 26.** *Permanent.* Permanent appointment is issued to a person
41 who meets all the qualification requirements of the position to which he/she is
42 being appointed to, including the appropriate eligibility, in accordance with the
43 provisions of law, rules and standards promulgated in pursuance thereof.
44

1 **Article 27. Temporary.** Temporary appointment is issued to a person
2 who meets the education, experience and training requirements for the position
3 to which he/she is being appointed to, except for the appropriate eligibility. A
4 temporary appointment may only be issued in the absence of an applicant who
5 meets all the qualification requirements of the position as certified by the
6 appointing officer/authority. The appointment shall not exceed twelve (12)
7 months, reckoned from the date it was issued but the appointee may be
8 replaced sooner if a qualified eligible who is willing to accept the appointment
9 becomes actually available.

10
11 However, in no case shall a temporary appointment be issued for
12 position that involve practice of profession regulated by bar/board law for lack
13 of the required license and/or certificate of registration.

14
15 A temporary appointment issued to a person who does not meet any of
16 the education, training or experience requirements for the position shall be
17 disapproved/invalidated except to positions that are hard to fill, or other
18 meritorious cases as may be determined by the Commission, or as provided by
19 special law, such as Medical Officer/Specialist positions, Special Science
20 Teacher, and Faculty positions. Except for these positions, temporary
21 appointments may only be renewed once.

22
23 A temporary appointment to a position which involves practice of
24 profession may be issued to a person who lacks the required experience or
25 training but only in the absence of an applicant who meets all the qualification
26 requirements of the position as certified by the appointing officer/authority.

27
28 When there are no available qualified faculty in the region, place or
29 locality, as certified by the appointing officer/authority, temporary
30 appointments may be issued until the required Master's degree is
31 met/complied with. The renewal of temporary appointment shall be limited to
32 five (5) times only reckoned from the effectivity of CSC Memorandum Circular
33 No. 25, s. 2017.

34
35 A temporary appointment issued to a person who meets all the
36 requirements of the position shall be disapproved/invalidated.

37
38 **Article 28. Substitute.** Substitute appointment is issued when the
39 regular incumbent of a position is temporarily unable to perform the duties of
40 the position, as when the incumbent is on an approved leave of absence, under
41 suspension, on a scholarship grant or is on secondment. This is effective only
42 until the return of the incumbent. A substitute appointment is allowed only if
43 the leave of absence of the incumbent is at least three (3) months, except in the
44 case of teachers.

1 A person who is issued a substitute appointment to a position whose
2 duties involve practice of a profession covered by Bar/Board or special laws
3 shall be required to possess the appropriate professional license. The
4 substitute appointee shall be entitled to the salaries and benefits attached to
5 the position except for those benefits requiring longer period of service for the
6 availment thereof.

7
8 **Article 29. Coterminous.** Coterminous appointment is issued to a
9 person whose tenure is limited to a period specified by law or whose continuity
10 in the service is based on the trust and confidence of the appointing
11 officer/authority or of the head of the organizational unit where assigned.
12 Specifically, the categories of coterminous appointments are:

- 13
14 1. *Coterminous with the appointing officer/authority* — an
15 appointment is coexistent with the term/tenure of the appointing
16 officer/authority.
17
18 2. *Coterminous with the head of the organizational unit where*
19 *assigned an appointment* is coexistent with the term/tenure of the
20 head of the organizational unit to which he/she is assigned, who is
21 not the appointing officer/authority.
22

23 Appointees to coterminous positions that are not primarily
24 confidential in nature (items 1 and 2) must meet the education,
25 training and experience requirements of the positions as proposed
26 by the respective Agency Heads and approved by the Commission.
27 Pending the submission and approval of the agency qualification
28 standards, the qualification requirements provided under the CSC
29 Qualification Standards Manual shall be used as bases in the
30 attestation of these coterminous appointments.

31
32 Eligibility is not required for appointment, except those whose
33 duties involve the practice of a profession regulated by the
34 Philippine Bar/Board or special laws and/or require licenses such
35 as those positions listed under Category IV of CSC MC No. 11, s.
36 1996, as amended, but preference should be given to civil service
37 eligibles.

- 38
39 3. *Coterminous (primarily confidential in nature)* — an appointment to
40 positions determined by law or declared by the Commission to be
41 primarily confidential in nature, the duties and responsibilities of
42 which imply not only confidence in the aptitude of the appointees
43 but primarily close intimacy which insures freedom of discussion,
44 delegation and reporting without embarrassment or freedom from
45 misgivings or betrayals of personal trust. Appointees to primarily

1 confidential positions are exempt from the qualification
2 requirements, except those whose duties involve the practice of a
3 profession regulated by the Philippine Bar/Board or special laws
4 and/or require licenses.
5

- 6 4. *Coterminous with the Lifespan of the Agency* — appointment to a
7 position which is co-existent with the lifespan of the agency based
8 on the agency's Staffing Pattern as approved by the DBM or the
9 GCG.

10
11 Appointments to positions which are coterminous with the lifespan
12 of the agency need not be renewed annually. The lifespan of the
13 agency shall be indicated on the appointment. However, if the
14 performance of the appointee is below Satisfactory, the appointing
15 officer/authority may terminate the services of, or replace the
16 appointee after giving the latter a notice of at least thirty (30) days
17 prior to the date of termination of the appointment.
18

19 Employees whose appointments are coterminous with the lifespan
20 of the agency must meet the education, experience and training
21 requirements of the positions as proposed by the respective Agency
22 Heads and approved by the Commission. Pending the submission
23 and approval of the agency qualification standards, the
24 qualification requirements provided under the CSC Qualification
25 Standards Manual shall be used as bases in the attestation of
26 these coterminous appointments.
27

28 Eligibility is not required for coterminous appointment, except
29 those whose duties involve the practice of a profession regulated by
30 the Philippine Bar/Board or special laws and/or require licenses
31 such as those positions listed under Category IV of CSC MC No.
32 11, s. 1996, as amended, but preference shall be given to civil
33 service eligibles.
34

35 **Article 30. Fixed Term.** Fixed term appointment is issued to a person
36 with a specified term of office, subject to reappointment as provided by law,
37 such as Chairperson and members of commissions and boards, SUC President,
38 and Head of Agency appointed by the Board.
39

40 **Article 31. Contractual.** Contractual appointment is issued to a person
41 whose employment in the government is in accordance with a special contract
42 to undertake local or foreign-assisted projects or a specific work or job
43 requiring special or technical skills not available in the employing agency, to be
44 accomplished within a specific period. This includes appointments to positions
45 that are co-existent with the duration of a particular project based on the
46 agency's Staffing Pattern as approved by the DBM or the GCG. The inclusive

1 period of the contractual appointment shall be indicated on the face of the
2 appointment for purposes of crediting services.

3
4 Contractual appointments are limited to one year, but may be renewed
5 every year, based on performance, until the completion of the project or specific
6 work. However, if the performance of the appointee is below satisfactory or
7 where the funds have become insufficient or unavailable, the appointing
8 officer/authority may terminate the services of, or replace, the appointee after
9 giving the latter a notice at least 30 days prior to the date of termination of
10 appointment.

11
12 Employees under contractual appointment must meet the education,
13 training and experience requirements of the positions as proposed by the
14 respective Agency Heads and approved by the Commission. Pending the
15 submission and approval of the agency qualification standards, the
16 qualification requirements provided under the CSC Qualification Standards
17 Manual shall be used as bases in the attestation of these contractual
18 appointments.

19
20 Eligibility is not required for appointment, except those whose duties
21 involve the practice of a profession regulated by the Philippine Bar/Board or
22 special laws and/or require licenses such as those positions listed under
23 Category IV of CSC MC No. 11, s. 1996, as amended, but preference should be
24 given to civil service eligibles.

25
26 The appointee shall perform the work or job under his/her own
27 responsibility with minimal direction and supervision from the employing
28 agency.

29
30 In no case shall a contractual appointment be issued to fill a vacant
31 plantilla position or a contractual employee perform the duties and
32 responsibilities of the vacant plantilla position.

33
34 Reappointment (renewal) of contractual appointments to the same
35 position shall be submitted to the CSC for notation only, without the need for
36 approval/validation. However, reappointment of contractual appointments to
37 another position shall be submitted for approval/validation by the CSC-
38 BARMM.

39
40 **Article 32. Casual.** Casual appointment is issued only for essential and
41 necessary services where there are not enough regular staff to meet the
42 demands of the service and for emergency cases and intermittent period not to
43 exceed one year.

44
45 Employees under casual appointment must meet the education,
46 training and experience requirements of the positions as proposed by the

1 respective Agency Heads and approved by the Commission. Pending the
2 submission and approval of the agency qualification standards, the
3 qualification requirements provided under the CSC Qualification Standards
4 Manual shall be used as bases in the attestation of these casual appointments.
5 Eligibility is not required for appointment, except those whose duties involve
6 the practice of a profession regulated by the Philippine Bar/Board or special
7 laws and/or require licenses such as those positions listed under Category IV
8 of CSC MC No. 11, s. 1996, as amended, but preference should be given to civil
9 service eligibles.

10
11 In no case shall a casual appointment be issued to fill a vacant plantilla
12 position or a casual employee perform the duties and responsibilities of the
13 vacant plantilla position.

14
15 Reappointment (renewal) of casual appointments to the same position
16 shall be submitted to the CSC for notation only, without the need for
17 approval/validation. However, reappointment of casual appointments to
18 another position shall be submitted for approval/validation by the CSC-
19 BARMM.

20
21 Employees under contractual or casual appointment are entitled to the
22 same benefits enjoyed by regular employees.

23
24 **Article 33. *Employment Status of Teachers.*** The employment status of
25 teachers to any teaching position shall be any of the following:

- 26
27 a. Permanent — an appointment issued to an appointee who meets all
28 the requirements of the position.
29
30 b. Provisional — an appointment issued to an appointee who meets
31 all the requirements of the position except the eligibility but only in
32 the absence of a qualified eligible actually available who is willing to
33 accept the appointment, as certified by the Schools Division
34 Superintendent. It shall not be effective beyond the school year
35 during which it was issued. The appointment may be subject to
36 reappointment (renewal). Scholar- graduates of the Merit
37 Scholarship Program of the Department of Science and Technology -
38 Science Education Institute (DOST-SEI) shall be allowed to teach on
39 provisional status, which appointment may be renewed every school
40 year but not to exceed four (4) years.
41
42 c. Temporary — an appointment issued to an appointee who meets all
43 the requirements of the position except the education but only in
44 the absence of applicants who possess the minimum educational
45 qualification, as certified by the Schools Division Superintendent. It

1 shall not be effective beyond the school year during which it was
2 issued. The appointment may be subject to reappointment (renewal).

- 3
4 d. Substitute —an appointment issued to an appointee when the
5 regular incumbent of the position is temporarily unable to perform
6 the duties of the position. It shall be effective until the return of the
7 incumbent.

8
9 Appointees to substitute teaching positions shall be required to
10 possess RA No. 1080 (Teacher) eligibility.

- 11
12 e. Contractual — an appointment issued to an appointee who shall
13 teach specialized subjects in secondary education on part-time
14 basis. The inclusive period shall be indicated on the appointment for
15 purposes of crediting services.

16
17 Appointees to contractual teaching positions for specialized subjects
18 shall not be required to possess RA No. 1080 (Teacher) eligibility.

19
20 **Article 34. *Nature of Appointment.*** The nature of appointment shall be,
21 as follows: original, promotion, transfer, reemployment, reappointment,
22 reinstatement, demotion and reclassification.

23
24 **Article 35. *Original.*** Original appointment is the initial entry into the
25 career or non-career service.

26
27 **Article 36. *Promotion.*** Promotion is the advancement of a career
28 employee from one position to another with an increase in duties and
29 responsibilities as authorized by law, and usually accompanied by an increase
30 in salary. Promotion may be from one department or agency to another or from
31 one organizational unit to another within the same department or agency.
32 Provided, however, that any upward movement from the non-career service to
33 the career service and vice versa shall not be considered as a promotion but as
34 reappointment.

35
36 An employee who is promoted to another agency shall notify the head of
37 the department or agency in writing where he/she is employed at least thirty
38 (30) days prior to his/her assumption to the position. It is understood that the
39 employee who is promoted to another agency is cleared from all money,
40 property and work-related accountabilities.

41
42 The pendency of an administrative case against any employee shall not
43 be a bar to promotion.

44
45 An employee who has been found guilty of an administrative offense
46 and imposed the penalty of demotion, suspension or fine shall be disqualified

1 for promotion for the same period of suspension or fine. In the case of
2 demotion, the period of disqualification for promotion shall be within one (1)
3 year.
4

5 **Article 37. Transfer.** Transfer is the movement of employee from one
6 position to another which is of equivalent rank, level or salary without gap in
7 the service involving the issuance of an appointment.
8

9 The transfer may be from one organizational unit to another in the
10 same ministry, office or agency or from one department or agency to another:
11 Provided, however, that any movement from the non-career service to the
12 career service and vice versa shall not be considered as a transfer but
13 reappointment.
14

15 An employee who seeks transfer to another office shall notify the head
16 of the department or agency in writing where he/she is employed at least thirty
17 (30) days prior to the effective date of his/her transfer. The head of the
18 department or agency shall notify the employee in writing of the approval of the
19 request to transfer within 30 days from date of notice.
20

21 If the request to transfer of an employee is not granted by the head of
22 the ministry, office or agency where he/she is employed, it shall be deemed
23 approved after the lapse of 30 days from the date of notice without the need to
24 notify the employee concerned.
25

26 It is understood that the employee who seeks to transfer is cleared from
27 all money, property and work-related accountabilities.
28

29 If, for whatever reason, the employee fails to transfer on the specified
30 date, he/she shall be deemed resigned. However, should the employee opt to
31 remain in the same agency before the specified date of transfer, the employee
32 may be reappointed if there is no gap in the service or reemployed if there is
33 gap in the service. In both cases, the employee shall undergo the usual hiring
34 process.
35

36 **Article 38. Reemployment.** Reemployment is the appointment of a
37 person who has been previously appointed to a position in the government
38 service but was separated therefrom as a result of reduction in force,
39 reorganization, retirement, voluntary resignation, or any non-disciplinary
40 action such as dropping from the rolls and other modes of separation.
41 Reemployment presupposes a gap in the service.
42

43 No prior authority from the Commission shall be required for the
44 reemployment of a person who has been previously retired or resigned and who
45 has not reached the compulsory retirement age of 65.
46

1 **Article 39. Reappointment.** Reappointment is the issuance of an
2 appointment as a result of reorganization, devolution, salary standardization,
3 re-nationalization, recategorization, rationalization or similar events, including
4 the following:

- 5
- 6 1. The issuance of appointment from temporary to permanent, career
7 to non-career or vice versa, non-career to another non-career, all of
8 which entails no gap in the service, shall be considered as
9 reappointment. Non-career employees who are appointed for the
10 first time in the career service under permanent status shall be
11 required to undergo probationary period for six (6) months.
12
 - 13 2. The renewal of temporary, contractual and casual appointment
14 upon the expiration of the appointment or subsequent
15 appointment of substitute teachers, which entails no gap in the
16 service, shall be considered as reappointment. A temporary
17 appointment may be renewed in the absence of an applicant who
18 meets all the qualification requirements of the position as certified
19 by the appointing officer/authority and provided that the
20 performance rating of the employee is at least satisfactory.
21
 - 22 3. Personal or coterminous staff of elective officials, who shall continue
23 to serve in a coterminous capacity upon re-election of the said
24 elective officials, shall be issued new appointments. The nature of
25 appointment shall be reappointment.
26

27 If the request to transfer of an employee is not granted by the head of
28 the department or agency where he/she is employed, it shall be deemed
29 approved after the lapse of 30 days from the date of notice without the need to
30 notify the employee concerned.
31

32 It is understood that the employee who seeks to transfer is cleared from
33 all money, property and work-related accountabilities.
34

35 If, for whatever reason, the employee fails to transfer on the specified
36 date, he/she shall be deemed resigned. However, should the employee opt to
37 remain in the same agency before the specified date of transfer, the employee
38 may be reappointed if there is no gap in the service or reemployed if there is
39 gap in the service. In both cases, the employee shall undergo the usual hiring
40 process.
41

42 **Article 40. Reinstatement (to comparable position).** Reinstatement to
43 comparable position is the restoration of a person, as a result of a decision, to
44 a career position from which he/she has, through no delinquency or
45 misconduct, been separated but subject position is already abolished, requiring

1 the issuance of an appointment to a comparable position to the separated
2 employee.

3
4 However, reinstatement (to the same position/item), which involves the
5 restoration of a person, as a result of a decision, to a career position from
6 which he/she has, through no delinquency or misconduct, been separated
7 from the service and subject position is still available, does not need the
8 issuance of an appointment.

9
10 **Article 41. Demotion.** Demotion is the movement of an employee from a
11 higher position to a lower position where he/she qualifies, if a lower position is
12 available. The demotion entails reduction in duties, responsibilities, status or
13 rank, which may or may not involve a reduction in salary.

14
15 In cases where the demotion is due to reorganization or rationalization,
16 the employee shall be allowed to continue to receive the salary of the higher
17 position.

18
19 In cases where the demotion is voluntary or at the instance of the
20 employee, he/she shall be allowed to receive the same step of the salary grade
21 of the position where he/she voluntarily sought to be appointed. A written
22 consent shall be secured from the demoted employee.

23
24 **Article 42. Reclassification.** Reclassification is a form of staffing
25 modification and/or position classification action which is applied only when
26 there is a substantial change in the regular duties and responsibilities of the
27 position. This may result in a change in any or all of the position attributes:
28 position title, level and/or salary grade. It generally involves a change in the
29 position title and may be accompanied by an upward or downward change in
30 salary. Reclassification is the generic term for changes in staff/position
31 classification which includes upgrading, downgrading, and categorization.

32
33 Reclassification of position requires the issuance of an appointment but
34 the same is ministerial on the part of the appointing officer/authority.

35
36 The appointment of an incumbent (permanent employee) whose position
37 was reclassified shall be approved/validated, regardless of whether he/she
38 meets the qualification requirements of the position involved. The incumbent of
39 the reclassified position has a vested right to the reclassified position but
40 he/she shall not be promoted unless he/she meets the qualification
41 requirements of the next higher position.

42
43 In LGUs, no reclassification shall be allowed except when the position is
44 actually vacant.

1 **Article 43.** *Adjustments or movements of human resource without need*
2 *of issuance of an appointment.* Adjustments or movements of human resource
3 which do not involve changes in position title, rank or status shall not require
4 the issuance of an appointment. A notice of such change or movement shall be
5 issued to the employee. A copy thereof shall be kept in the employee's 201 File
6 and another copy shall be submitted to the CSC-BARMM for record purposes.
7

8 The adjustments or movements of human resource shall include the
9 following:

- 10
- 11 a. Change in item number — the adjustment or shifting of item
12 number of a position per agency Plantilla of Personnel.
 - 13
 - 14 b. Salary adjustment — the change in salary as a result of increase in
15 pay levels or upgrading of positions which does not involve a
16 change in qualification requirements.
 - 17
 - 18 c. Step increment — the increase in salary from step to step within
19 the salary grade allocation of the official or employee's position in
20 recognition of meritorious performance based on a Performance
21 Management System approved by the CSC and/or through length
22 of service. A Notice of Step Increment (NOSI) is issued by the heads
23 of agencies for this purpose.
 - 24
 - 25 d. Reinstatement (to the same position/item) — the restoration, as a
26 result of a decision, of a person to a career position from which
27 he/she has, through no delinquency or misconduct, been
28 separated therefrom. The employee has a vested right to his/her
29 former item, hence, he/she is deemed not to have left the service
30 and therefore has no gap in the service. He/she shall be entitled to
31 payment of back salaries including allowances and all benefits
32 which would have accrued if he/she has not been separated. A
33 copy of the decision shall be furnished the CSC-BARMM for record
34 purposes.
 - 35

36 The appointment of the employee hired to fill the position of an
37 employee with pending appeal of his/her dismissal or separation
38 from the service shall bear a colatilla that his/her appointment is
39 subject to the outcome of the case.

- 40
- 41 e. Demotion as a result of a disciplinary action - the adjustment of
42 the salary of an employee to the next lower salary grade with the
43 same salary step. A notice of salary adjustment shall be issued.
 - 44
 - 45 f. Positions marked as coterminous with the incumbent (CTI) as a
46 result of rationalization or reorganization of the agency — A person

1 issued with a permanent appointment whose position is marked as
2 CTI (coterminous with the incumbent) as a result of rationalization
3 or reorganization of his/her agency shall retain his/her permanent
4 status until he/she is appointed/promoted to another position, or
5 resigns or retires from the service. The CTI status of the position
6 shall be reflected in the Plantilla of Personnel of the agency.
7

8 In case of promotion or separation from the service through retirement,
9 resignation, transfer, death of the incumbent, the position marked as CTI shall
10 automatically be abolished.
11

12 **CHAPTER III** 13 **OTHER HUMAN RESOURCE ACTIONS** 14

15 **Article 44.** *Other Human Resource Actions.* The following human
16 resource actions which will not require the issuance of an appointment shall
17 nevertheless require an Office Order issued by the appointing officer/authority:
18 reassignment, detail and designation.
19

20 **Article 45.** *Reassignment.* Reassignment is the movement of an
21 employee across the organizational structure within the same department or
22 agency, which does not involve a reduction in rank, status or salary.
23

24 Reassignment shall be governed by the following:
25

- 26
- 27 1. Reassignment of employees with station-specific place of work
28 indicated in their respective appointments within the geographical
29 location of the agency shall be allowed only for a maximum period of
30 one (1) year. The restoration or return to the original
31 post/assignment shall be automatic without the need of any order of
32 restoration/revocation of the order of reassignment.
33

34 The reassigned employee who is restored to his/her original
35 post/assignment pursuant to the decision of the Commission shall
36 not be reassigned within one (1) year reckoned from the date of
37 restoration to the original post/assignment. Otherwise, the
38 appointing officer/authority or the authorized official who caused
39 the subsequent reassignment within one (1) year from the date of
40 restoration may be cited for indirect contempt by the Commission.
41

42 An appointment is considered station-specific when: (a) the
43 particular office or station where the position is located is
44 specifically indicated on the face of the appointment paper; or (b) the
45 position title already specifies the station, such as Human Resource
46 Management Officer, Accountant, Budget Officer, Assessor, Social

1 Welfare and Development Officer, and such other positions with
2 organizational unit/station-specific function. Such position titles are
3 considered station-specific even if the place of assignment is not
4 indicated on the face of the appointment.
5

- 6 2. If an appointment is not station-specific, the one-year maximum
7 period of reassignment within the geographical location of the
8 agency shall not apply. However, the employee concerned may
9 request for a recall of the reassignment citing his/her reasons why
10 he/she wants to go back to his/her original station. The
11 reassignment may also be revoked or recalled by the appointing
12 officer/authority or be declared not valid by the Civil Service
13 Commission or a competent court, on appeal.
14
- 15 3. Reassignment is presumed to be regular and made in the interest or
16 exigency of public service unless proven otherwise or if it constitutes
17 constructive dismissal. Constructive dismissal exists when an
18 official or employee quits his/her work because of the agency head's
19 unreasonable, humiliating, or demeaning actuations, which render
20 continued work impossible because of geographic location, financial
21 dislocation and performance of other duties and responsibilities
22 inconsistent with those attached to the position. Hence, the
23 employee is deemed illegally dismissed. This may occur although
24 there is no diminution or reduction in rank, status or salary of the
25 employee.
26

27 Reassignment that constitutes constructive dismissal may be any of
28 the following:
29

- 30 i. Reassignment of an employee to perform duties and
31 responsibilities inconsistent with the duties and responsibilities
32 of his/her position such as from a position of dignity to a more
33 servile or menial job;
34
- 35 ii. Reassignment to an office not in the existing organizational
36 structure;
37
- 38 iii. Reassignment to an existing office but the employee is not given
39 any definite set of duties and responsibilities;
40
- 41 iv. Reassignment that will cause significant financial dislocation or
42 will cause difficulty or hardship on the part of the employee
43 because of geographic location; or
44
- 45 v. Reassignment that is done indiscriminately or whimsically
46 because the law is not intended as a convenient shield for the

1 appointing/disciplining officer to harass or oppress a
2 subordinate on the pretext of advancing and promoting public
3 interest such as reassignment of employees twice within a year,
4 or reassignment of career service officials and employees with
5 valid appointments during change of administration of elective
6 and appointive officials.

7
8 Reassignment that results in constructive dismissal must be
9 sufficiently established.

- 10
11 4. The employee may appeal the reassignment order within fifteen (15)
12 days upon receipt thereof to the CSC-BARMM as provided under
13 specific law, if he/she believes there is no justification for the
14 reassignment. Pending appeal, the reassignment shall not be
15 executory. The Decision of the CSC-BARMM may be further
16 appealed to the Commission within 15 days from receipt thereof.
17
18 5. Reassignment of public health workers, public social workers,
19 public school teachers and all other professions covered by special
20 laws shall be governed by their respective laws. However, the rules
21 herein mentioned shall be applied suppletorily.
22

23 **Article 46. Detail.** Detail is the temporary movement of an employee
24 from one ministry, office or agency to another which does not involve a
25 reduction in rank, status or salary.

26
27 Detail shall be governed by the following rules:

- 28
29 a. The detailed employee shall receive his/her salary only from
30 his/her parent agency.
31
32 b. Detail without consent shall be allowed only for a period of one (1)
33 year.
34
35 c. Detail with consent shall be allowed for a maximum of three (3)
36 years, the extension or renewal of the detail shall be discretionary
37 on the part of the parent agency.
38
39 d. Detail from one agency to another shall be covered by an
40 agreement manifesting the arrangement between the agency heads
41 that it shall not result in reduction in rank, status or salary of the
42 employee, the duration of the detail, duties to be assigned to the
43 employee and responsibilities of the parent agency and receiving
44 agency.
45

- 1 e. The employee may appeal the detail order within 15 days upon
2 receipt to the CSC-BARMM if he/she believes there is no
3 justification for the detail. Pending appeal, the detail order shall be
4 executory unless otherwise ordered by the Commission. The
5 decision of the said CSC-BARMM may be further appealed to the
6 Commission within fifteen (15) days from receipt.
7
- 8 f. During the period of the detail, the parent agency relinquishes
9 administrative supervision and control over the detailed employee
10 to the receiving agency. In this regard, the receiving agency has the
11 following responsibilities: to monitor the punctuality and
12 attendance of the employee, approve requests for leave, evaluate
13 the employee's performance, grant the authority to travel and
14 exercise other acts necessary to effectively supervise the employee;
15 provided, a report on said matters is submitted to the parent
16 agency for record purposes.
17
- 18 g. The detailed employee shall be designated by the receiving agency
19 to a position whose duties are comparable to his/her position in
20 the parent agency. However, he/she shall not be designated to a
21 position exercising control or supervision over regular and career
22 employees of the receiving agency.
23
- 24 h. Prior to the effectivity of the detail, the parent agency shall furnish
25 a certification of the available sick and vacation leave credits of the
26 detailed employee to the receiving agency. In the event the
27 receiving agency approves requests for leave by the detailed
28 employee, a copy of the same shall be submitted to the parent
29 agency.
30
- 31 i. The authority to discipline the detailed employee is still vested in
32 the appointing officer/authority of the parent agency where he/she
33 belongs. As used herein, the authority to discipline includes the
34 determination of the existence of a prima facie case against the
35 detailed employee, issuance of a formal charge, issuance of the
36 order of preventive suspension if the case so warrants, conduct of
37 formal investigation, and rendering of the decision on the
38 administrative case.
39

40 With respect to the administrative case arising from acts done by
41 the employee in the receiving agency, said agency shall have the
42 right to initiate or file the complaint against the detailed employee
43 subject to the provisions of the 2017 Rules on Administrative
44 Cases in the Civil Service (RACCS).
45

- 1 j. All human resource actions and movements, including
2 monetization of leave credits, concerning the detailed employee,
3 shall still be under the jurisdiction of the parent agency
4 notwithstanding that the employee is detailed in another agency.
5

6 **Article 47. Designation.** Designation is the movement that involves an
7 imposition of additional and/or higher duties to be performed by a public
8 official/employee which is temporary and can be terminated anytime at the
9 pleasure of the appointing officer/authority. Designation may involve the
10 performance of the duties of another position on a concurrent capacity or on
11 full-time basis.
12

13 A designation in an acting capacity entails not only the exercise of the
14 ministerial functions attached to the position but also the exercise of discretion
15 since the person designated is deemed to be the incumbent of the position.
16

17 Officials designated as Officer-in-Charge (OIC) enjoy limited powers
18 which are confined to functions of administration and ensuring that the office
19 continues its usual activities. The OIC may not be deemed to possess the power
20 to appoint employees as the same involves the exercise of discretion which is
21 beyond the power of an OIC, unless the designation order issued by the proper
22 appointing officer/authority expressly includes the power to issue
23 appointment.
24

25 Designation shall be governed by the following rules:
26

- 27 1. Employees to be designated should hold permanent appointments to
28 career positions.
29
- 30 2. Designees can only be designated to positions within the level they
31 are currently occupying. Employees holding first level positions
32 cannot be designated to perform the duties of second level positions
33 except in meritorious cases as determined by the CSC upon request
34 for exemption by the agency concerned, such as organizational set-
35 up, calamity, and due to exigency of the service. This exception shall
36 not apply to positions involving supervisory and executive
37 managerial functions. Division Chiefs may be designated to perform
38 the duties of second level executive/managerial or third level
39 positions.
40
- 41 3. For positions with incumbents who temporarily cannot perform the
42 duties of the position (due to vacation or sick leave, study leave
43 scholarship, maternity leave, special assignments), the designation
44 should be synchronized with the absence of the incumbent, unless
45 earlier revoked or recalled by the appointing officer/authority.

1 However, the designation of employees may be renewed every year in
2 the exigency of the service but not to exceed two (2) years.

- 3
- 4 4. For positions without incumbents, a designation may be made only
5 for a maximum of one (1) year. However, the designation of
6 employees may be renewed every year in the exigency of the service
7 but not to exceed two (2) years.
- 8
- 9 5. Designations shall be made through an office order issued by the
10 appointing officer/authority concerned.
- 11
- 12 6. For designation to critical positions in the local government units
13 such as Provincial/City/Municipal Government Department Head, a
14 copy of the office order shall be furnished by the HRMOs of the
15 LGUs to the CSC within thirty (30) days upon its issuance.
16 Employees designated to positions with duties involving practice of
17 profession shall be required to possess the necessary professional
18 license.
- 19
- 20 7. Designees cannot be granted the salaries of the positions they are
21 being designated to. However, allowances that go with the
22 performance of the functions such as RATA (Representation and
23 Transportation Allowance) or EME (Extraordinary and Miscellaneous
24 Expenses) may be granted as provided under the provisions of the
25 General Appropriations Act (GAA) or appropriation ordinance of the
26 respective local sanggunian; provided, the grant of the same is
27 specifically stated in the designation order.
- 28
- 29 8. Only experience gained from designation compliant with the above
30 stated rules shall be credited as relevant experience for purposes of
31 appointment.
- 32

33 **Article 48. Probationary Period.** Original appointees in the career
34 service with permanent status of appointment shall undergo a probationary
35 period for six months or depending on the requirement of the position, with a
36 thorough assessment of his/her performance and character, including a
37 general orientation for newly-hired.

38

39 Probationary period refers to the period of actual service following the
40 issuance of a permanent appointment wherein the appointee undergoes a
41 thorough character investigation and assessment of capability to perform the
42 duties of the position enumerated in the Position Description Form (PDF).

43

44 The probationary period shall cover the following employees:

45

- 1 a. Those who are issued original appointments under permanent
2 status in the career service and who meet all the requirements of
3 the positions;
4
5 b. Non-career service employees who are reappointed/reemployed to a
6 career position under permanent status;
7
8 c. Temporary appointees who after meeting the eligibility requirements
9 for a permanent appointment in the career service are reappointed
10 (change of status to permanent).
11
12 d. Those who are reemployed under permanent status;
13
14 e. First-time appointees to closed career positions (faculty and
15 academic staff in state universities and colleges/local colleges and
16 universities, and Scientist), unless otherwise provided under the
17 agency Charter;
18
19 f. Appointees to teaching positions under provisional status shall
20 undergo a probationary period for not less than one (1) year from
21 the date of the original provisional appointment;
22
23 g. Appointees to Category III positions as provided in CSC MC No. 11,
24 s. 1996, as amended shall be under probation for a period of one (1)
25 year; and
26
27 h. Appointees whose positions require probationary period as may be
28 provided by law.
29

30 A notation that the appointee is under probation for a specified period
31 shall be indicated in the appointment issued.
32

33 The following employees shall be exempted from undergoing
34 probationary period:
35

- 36 a. Teachers who, prior to issuance of permanent appointments, have
37 acquired adequate training and professional preparation in any
38 school recognized by the government, and possess the appropriate
39 civil service eligibility pursuant to Section 4 of Republic Act No.
40 4670;
41
42 b. First-time appointees to closed career positions in SUCs, and
43 scientific and research institutions if so provided under their agency
44 Charters; and
45

1 c. Appointees to positions exempted from the probationary period as
2 may be provided by law.
3

4 **Article 49.** *Review and Monitoring of Employee's Performance.* To
5 facilitate the review and monitoring of employee performance, the performance
6 targets and work output standards of a probationer shall be set, agreed upon
7 and duly signed by the probationer, the immediate supervisor (rater), and the
8 head of agency within five (5) days upon appointee's assumption to duty.
9

10 The appointee's performance during the probationary period shall be
11 reviewed as follows:
12

13 a. The immediate supervisor (rater) shall regularly gather feedback on
14 the appointee's performance, and conduct feedback sessions to
15 determine appropriate interventions to improve the appointee's
16 performance;
17

18 b. The performance appraisal/evaluation shall be done at least twice
19 during the probationary period and within every three (3) months or six
20 (6) months, depending on the duration of the probationary period, as
21 required by the position;
22

23 c. The performance review shall be conducted within 10 days before the
24 end of every rating period during the probationary period.
25

26 d. The critical factors to be reviewed shall be based on the
27 performance dimensions indicated in the agency Strategic Performance
28 Management System (SPMS) and may include competency (knowledge,
29 skills and attitude), and job-related critical incidents, such as habitual
30 tardiness and continuous absence from work;
31

32 e. The performance evaluation report shall be reviewed and certified
33 by the agency Performance Management Team (PMT) or any duly
34 constituted review committee; and
35

36 f. The probationers shall be furnished with copies of the records of
37 feedback, job-related critical incidents, and performance evaluation
38 reports with comments on their capability to meet the performance
39 targets and work output standards and/or recommendation for the
40 continuity of the permanent appointment of the probationer.
41 Corresponding copies shall be included in the 201 file of the appointees.
42

43 **Article 50.** *Termination for Unsatisfactory Conduct or Want of Capacity.*
44 The services of the appointee can be terminated for unsatisfactory conduct or
45 want of capacity before the end of the second performance review on the sixth

1 (6th) month or depending on the duration of the probationary period as
2 required by the position.

3
4 Unsatisfactory conduct or behaviour refers to the failure of the
5 appointee to observe propriety in his/her acts, behaviour and human/public
6 relations, and to irregular punctuality and attendance while performing their
7 duties and responsibilities during the probationary period. This may include
8 cases of neglect of duty, misconduct, insubordination, habitual tardiness and
9 absenteeism.

10
11 On the other hand, want of capacity shall refer to the failure of the
12 appointee during the probationary period to perform the duties and
13 responsibilities based on standards of work outputs agreed upon and reflected
14 in the duly signed performance targets despite the developmental intervention
15 provided by the immediate supervisor.

16
17 The appointee shall be issued a notice of termination of service by the
18 appointing officer/authority within fifteen (15) days immediately after it was
19 proven that he/she demonstrated unsatisfactory conduct or want of capacity
20 before the end of the second performance review on the sixth (6th) month or
21 depending on the duration of the probationary period. Such notice shall state,
22 among other things, the reasons for the termination of service and shall be
23 supported by at least two of the following:

- 24
25 1. Performance Evaluation Report;
26 2. Report of the immediate supervisor (rater) on job-related critical and
27 unusual incidents and on unsatisfactory conduct or behaviour of
28 the appointee; or
29 3. Other valid documents that may support the notice of termination of
30 service.

31
32 The notice of termination of service shall be executory after fifteen (15)
33 days from receipt of the employee concerned. The same may be appealed to
34 CSC, within fifteen (15) days from receipt of notice but shall be executory
35 pending appeal. A copy of the Notice of Termination of Service shall be included
36 in the 201 file of the appointee and furnished the CSC for recording in the
37 Service Card.

38
39 If no notice of termination of office is given by the appointing
40 officer/authority to the employee before the expiration of the six-month or
41 depending on the duration of the probationary period, the probationer becomes
42 a regular employee of the agency concerned.

43
44 **Article 51. Effectivity and Submission of Appointments.** An appointment
45 issued in accordance with pertinent laws and rules shall take effect
46 immediately on the date it was signed by the appointing officer/authority. The

1 date of signing shall be indicated below the signature of the appointing
2 officer/authority in the appointment form.

3
4 The date of the appointment shall not fall on a Saturday, Sunday or
5 holiday, except in cases where the date of issuance is specifically provided in a
6 special law such as in the appointment of personal and confidential staff of
7 Constitutional officials and elective officials and where the service should not
8 constitute a gap such as in transfer and reappointment.

9
10 If the appointee has taken his/her oath of office and assumed the
11 duties of the position, he/she shall be entitled to receive his/her salary at once
12 without awaiting the approval/validation of his/her appointment by the
13 Commission. The appointment shall remain effective until
14 disapproved/invalidated by the Commission. In no case shall an appointment
15 take effect earlier than the date it was signed except in cases authorized by
16 law.

17
18 No official or employee shall be required to assume the duties and
19 responsibilities of the position without being furnished with a copy of his/her
20 appointment by the HRMO after it is signed by the appointing officer/authority.
21 The appointee shall acknowledge receipt of the appointment by signing on the
22 acknowledgment portion at the back of the appointment form.

23
24 The appointment of officials or employees who are on official leave of
25 absence, training or scholarship grant, shall be effective upon assumption or
26 upon return from official leave of absence, scholarship or training.

27
28 **Article 52. Concurrence of Local Sanggunian in Appointments Issued by**
29 *Local Government Units Required.* In the case of local government units, the
30 appointment issued by the appointing officer/authority to a department head
31 position requires the concurrence of the majority of all the members of the local
32 sanggunian. The appointing officer/authority shall submit the appointment to
33 the local sanggunian for concurrence within seven (7) calendar days upon
34 issuance. Failure to submit the appointment to the sanggunian within the
35 prescribed period may render the person/s responsible administratively liable.

36
37 If the sanggunian does not act on the appointment within fifteen (15)
38 calendar days from the date of its submission, said appointment shall be
39 deemed concurred.

40
41 The effectivity date of the appointment shall be the date of the signing of
42 the appointing officer/authority which shall end the moment the local
43 sanggunian rejects or disapproves it. The services rendered after the rejection
44 shall not be considered government service and the payment of salaries shall
45 be the liability of the appointing officer/authority.

1 In case the appointment is not submitted to the local sanggunian for
2 concurrence and the same is later on disapproved or invalidated by the
3 Commission, the appointment shall not be considered effective from the date of
4 issuance.

5
6 **Article 53.** *Submission of Appointment to the Commission.* An
7 appointment shall be submitted to the Commission within thirty (30) calendar
8 days from the date of issuance. In case of appointments issued by
9 accredited/deregulated agencies, the Report on Appointments Issued (RAI)
10 together with the original CSC copy of appointments issued during the month
11 and the required attachments shall be submitted on or before the 30th day of
12 the succeeding month.

13
14 The delay in the submission of appointment or RAI to the CSC shall not
15 be taken against the appointee. The effective date of appointment shall not be
16 adjusted based on the delay, thus the original date of appointment shall be
17 retained. However, the responsible official/s who caused the delay in the
18 submission or non-submission of the appointment may be held
19 administratively liable for neglect of duty.

20
21 Furthermore, the delay in the submission or non-submission of RAI
22 may be reflected by the CSC-BARMM Director as a critical incident in the
23 Agency Capability Evaluation Card (ACEC) and may result in the revocation of
24 the accredited/deregulated status of the agency.

25
26 The appointee, whose appointment was submitted to the Commission
27 beyond the prescribed 30-day period shall be entitled to the payment of salary
28 from the government immediately following the effectivity of the appointment
29 and assumption to duty. The services rendered by the appointee shall be
30 credited as government service.

31
32 **Article 54.** *Cancellation of Appointment for Failure to Assume Office.* An
33 appointment issued by the appointing officer/authority may be cancelled if the
34 appointee does not assume office or report within thirty (30) calendar days
35 from receipt of the written notice of the appointment.

36
37 The cancellation of the appointment shall be reported to the
38 Commission for record purposes. The position is automatically deemed vacant
39 upon cancellation of the appointment by the appointing officer/authority
40 without the need for an approval or declaration by the Commission. The
41 appointing officer/authority may select from among the top ranking candidates
42 for the position or order the re-publication of the vacant position pursuant to
43 RA No. 7041.

44
45 Officials or employees who are on official leave of absence, training or
46 scholarship grant, whose appointment shall be effective upon assumption or

1 upon return from official leave of absence, scholarship or training, shall be
2 exempt from this provision.

3
4 If the appointee is not allowed to assume office by the appointing
5 officer/authority or other officials concerned despite his/her receipt of the
6 appointment, or submission thereof to the Commission for approval, the
7 official/s or employee/s who caused the non-assumption of the appointee shall
8 be held administratively liable therefor.

9
10 **Article 55.** *Reckoning of Temporary Appointment.* In the case of
11 temporary appointment, the twelve-month period of its effectivity shall be
12 reckoned from the date of the issuance of the appointment and not from the
13 date the appointee assumed the duties of the position.

14
15 **Article 56.** *of Assumption Without Appointment First Issued.* The
16 services rendered by any person who was required to assume the duties and
17 responsibilities of any position without an appointment having been issued by
18 the appointing officer/authority shall not be credited nor recognized by the
19 Commission and the payment of salaries and other benefits shall be the
20 personal liability of the person who made him/her assume office.

21
22 **Article 57.** *Actual Assumption of Duties as Basis for Payment of Salary*
23 *and Determination of Service Rendered.* The date of the actual assumption of
24 duties of the appointee, as indicated in the Certification of Assumption to Duty
25 in the CSC prescribed form shall be the basis for the payment of his/her salary
26 and determination of service rendered in government. This shall be submitted
27 to the CSC-BARMM for proper notation in the service card of the appointee.

28
29
30 **CHAPTER IV**
31 **VACANCY**
32

33 **Article 58.** *Publication and Posting Requirements of Vacant Positions.*
34 Vacant positions in the career service, including vacant executive/managerial
35 positions in the second level that are authorized to be filled, together with their
36 corresponding qualification standards and plantilla item numbers, shall be
37 published and posted in three (3) conspicuous places for a period of at least ten
38 (10) calendar days.

39
40 **Article 59.** *Submission of the List of Vacancies to the Civil Service*
41 *Commission – Bangsamoro Autonomous Region in Muslim Mindanao.* All Ministries,
42 offices and agencies shall submit a list of their vacant positions authorized to be
43 filled and their corresponding qualification standards and plantilla item numbers
44 in the CSC prescribed form in electronic and printed copies to the CSC-BARMM.
45 The printed and the electronic copies shall be forwarded to the CSC-BARMM for
46 publication.

1
2 In addition, Ministries, offices and agencies shall publish vacant positions
3 through other modes such as the Bangsamoro Job Portal or in a newspaper of
4 local and/or national circulation or other job search websites. The reckoning date
5 of publication will be the publication/republication date, regardless of the mode,
6 as certified by the HRMO; Provided, that a request for publication of vacant
7 position/s has been filed at the CSC-BARMM on the same day of publication in the
8 Bangsamoro Job Portal or newspaper or other job search websites.
9

10 Any incorrect information in the publication of vacant positions, i.e., item
11 number, position title or qualification standards shall be a ground for the
12 disapproval/invalidation of appointments.
13

14 **Article 60.** *Positions Exempt from Publication and Posting.* The following
15 positions are exempt from the publication and posting requirements:
16

- 17 a. Primarily confidential;
- 18
- 19 b. Policy-determining;
- 20
- 21 c. Highly technical which includes the faculty and academic staff of
22 state/local colleges and universities, and scientific and technical
23 positions in scientific and research institutions with established merit
24 systems;
- 25
- 26 d. Coterminous with that of the appointing officer/authority, including
27 other non- career positions such as contractual and casual identified
28 under Section 9, Subtitle A, Title I, Book V of EO No. 292;
- 29
- 30 e. Reappointment (change of status to permanent) of those appointed on
31 temporary status for Category 11 positions under CSC MC No. 11, s.
32 1996, as amended; or
33
- 34 f. Reappointment (renewal) of those appointed on temporary status for
35 Medical Officer/Specialist positions pursuant to PD No. 1424, Further
36 Amending RA No. 1243, As Amended by RA No. 2251, otherwise known
37 as the "Hospital Residency Law";
- 38
- 39 g. Those to be filled by existing regular employees in the ministry, office or
40 agency in case of reorganization/rationalization; provided, the
41 approved staffing pattern is posted in the ministry, office or agency
42 bulletin boards and other conspicuous places.
43

44 **Article 61.** *Vacant Generic Positions.* The qualification standards of the
45 parenthetical title should be used in the publication of vacant generic
46 positions.
47

1 approved, the agency shall uniformly and consistently adopt these in the
2 selection and appointment of employees. The approved qualification standards
3 shall be adopted by the Civil Service Commission in the attestation of
4 appointments of the agency concerned.

5
6 **Article 67.** *Qualification Standards Established and Approved by the*
7 *Commission.* Qualification standards shall be established for all positions in the
8 Index of Occupational Service (IOS), Position Titles and Salary Grades or
9 positions subsequently created and approved in accordance with existing laws,
10 policies, rules and regulations. Qualification standards which have been
11 established and approved by the Commission for positions in a particular
12 sector may be adopted for the same position titles in other government sectors
13 without need for prior approval of the Civil Service Commission.

14
15 **Article 68.** *Agency Positions to be Included in Qualification Standards*
16 *Manual.* All agency positions should be included in the approved Qualification
17 Standards Manual of the agency concerned, or if unique to the agency, should
18 have a qualification standards approved/confirmed by the Civil Service
19 Commission.

20
21 An appointment to a position without an approved/confirmed
22 qualification standards by the Civil Service Commission, as the case may be,
23 shall be disapproved/invalidated.

24
25 **Article 69.** *Career Service Positions' Appointees to Meet the Prescribed*
26 *Minimum Requirements.* Appointees to career service positions must meet the
27 education, training, experience, eligibility, and competency requirements
28 prescribed in the Qualification Standards manual or CSC-approved agency
29 qualification standards for their positions at the time of the issuance of the
30 appointment.

31
32 **Article 70.** *Position Description Form.* Qualification standards for
33 positions, which may include competencies (knowledge, skills and attitudes),
34 shall be established based on the set of duties and responsibilities indicated in
35 the Position Description Form (PDF).

36
37 **Article 71.** *Casual, Contractual, and Coterminous Positions.* Appointees
38 to casual, contractual, and coterminous positions that are not primarily
39 confidential in nature must meet the education, training and experience
40 requirements of the positions as proposed by the respective Agency heads and
41 approved by the Civil Service Commission. Pending the submission and
42 approval of the agency qualification standards, the qualification requirements
43 provided under the CSC Qualification Standards Manual shall be used as
44 bases in the attestation of these non-career appointments.

1 Eligibility is not required for appointment to casual, contractual, and
2 coterminous positions but preference should be given to civil service eligibles.
3 However, if the duties of the position involve the practice of a profession
4 regulated by the Philippine Bar/Board or special laws, and/or require licenses
5 such as those required for positions listed under Category IV of CSC MC No.
6 11, s. 1996, as amended, the corresponding professional license and/or
7 certificate of registration shall be required.
8

9 **Article 72.** *Primarily Confidential or Personal Staff.* Appointees to
10 primarily confidential/personal staff positions are exempt from the
11 qualification requirements, except those whose duties involve the practice of a
12 profession regulated by the Philippine Bar/Board laws and/or require licenses
13 such as those required for positions listed under Category IV of CSC MC No.
14 11, s. 1996, as amended, and those specifically required by a special law, such
15 as the positions of Provincial/City/Municipal Administrator, Information
16 Officer and Legal Officer required under specific provisions of the 1991 Local
17 Government Code to have "first grade civil service eligibility" or its equivalent
18 and RA No. 1080 (Bar) eligibility, respectively.
19

20 **Article 73.** *Reappointment to the same or Comparable Positions.*
21 Incumbents of positions under permanent status who are reappointed to the
22 same or comparable positions during reorganization, rationalization or
23 recategorization and other similar events are considered as having met the
24 qualification standards for the position.
25

26 **Article 74.** *Division Chief and Executive Managerial Positions.* The
27 qualification standards for division chief and executive managerial positions
28 shall primarily take into consideration education, experience, training,
29 eligibility and leadership competencies.
30

31 **Article 75.** *Madaris Teachers.* In the case of Madaris teachers, the Civil
32 Service Commission shall promulgate rules and regulations to set the
33 standards for their qualifications, appointments, and promotions as provided
34 for in the Bangsamoro Education Code or based on the recommendations of
35 the Bangsamoro Government.
36

37 **Article 76.** *Requirements in case of Request for Approval of Qualification*
38 *Standards.* An agency, office or Ministry which requests approval of
39 Qualification Standards for particular position/s shall comply with the
40 following requirements:
41

- 42 a. Endorsement letter by the Agency Head;
- 43
- 44 b. Charter of the agency;
- 45

- 1 c. Organizational and Functional Chart of the Office or unit where the
2 position/s belong;
3
4 d. Plantilla of Positions or Staffing Pattern approved by the concerned
5 ministry, office or agency of the Bangsamoro Government;
6
7 e. Statement of duties and responsibilities of the position indicated in
8 the Position Description Form (PDF) or Job Description (JD) certified
9 by the ministry, office or agency's HRMO;
10
11 f. If the position is newly created:
12
13 i. Letter of approval by the Ministry of Finance, and Budget and
14 Management; or
15
16 ii. Board Resolution and Memorandum Order by the concerned
17 commission, office or agency for Bangsamoro GOCCs with
18 original charter; or
19
20 iii. Sanggunian Ordinance approving the creation of position for
21 LGUs.
22
23 g. Proposed Qualification Standards (in printed and electronic copy)
24

25 **Part II. Education**

26
27 **Article 77. *Education Defined.*** Education refers to the formal or non-
28 formal academic, technical, and vocational studies that will enable the
29 candidate to successfully perform the duties and responsibilities indicated in
30 the Position Description Form (PDF) of the position to be filled. This includes
31 Madaris education as may be defined in the Bangsamoro Education Code.
32

33 **Article 78. *Completion of Non-formal Education.*** Certificates of
34 completion of non-formal education issued by the MBHTE or Department of
35 Education shall be considered valid documents for appointment to positions
36 requiring completion of elementary or high school education, provided, that
37 other requirements of the positions are met.
38

39 **Article 79. *Two-Year Studies as a Requirement.*** For one to meet the
40 two-year studies in college requirement in the Qualification Standards Manual,
41 one must have earned from an MBHTE or CHED-recognized institution at least
42 72 (non-K12 program) academic units leading to a degree, has completed a
43 relevant two-year collegiate/technical course or those who have graduated from
44 K-12 program.
45

1 **Article 80.** *Certificate of Completion of Bachelor's Degree.* Certificates
2 issued by the schools deputized by the MBHTE or CHED on having completed
3 a bachelor's degree under the Expanded Tertiary Education Equivalency and
4 Accreditation Program shall be considered valid documents for meeting the
5 education requirement for positions requiring completion of a bachelor's
6 degree.

7
8 **Article 81.** *Certificate of Completion of at least 72 Units.* Certifications
9 issued by the schools deputized by MBHTE or CHED showing completion of at
10 least 72 (non-K 12 program) academic units leading to a degree under the
11 Expanded Tertiary Education Equivalency and Accreditation Program shall be
12 considered valid documents for meeting the education requirement for
13 positions requiring completion of two-year studies in college.

14
15 **Article 82.** *Certificate of Equivalency for One-Year Diploma Post-*
16 *Graduate Course.* Certification issued by MBHTE or CHED that a one-year
17 diploma post-graduate course acquired from foreign or local institutions is
18 equivalent to a master's degree shall be considered appropriate for meeting the
19 education requirement for appointment to division chief and
20 executive/managerial position.

21
22 **Article 83.** *Certificate of Equivalency for Bachelor's or Master's Degree.*
23 Certification issued by MBHTE or CHED that a degree obtained from foreign
24 schools is equivalent to a bachelor's or master's degree shall be considered
25 valid document for meeting the education requirement for positions requiring
26 completion of a bachelors or master's degree.

27
28 **Article 84.** *Relevancy of at least 12 Academic Units Required.* To meet
29 the relevant bachelor's degree requirement in the Qualification Standards
30 Manual, the appointee must have completed from an MBHTE or CHED-
31 recognized college or university a bachelor's degree whose curriculum either
32 includes, or is supplemented by, 12 academic units of the subject or course,
33 which will enable the candidate to successfully perform the duties and
34 responsibilities of the position to be filled in the Position Description Form.

35
36 **Article 85.** *Master's Degree or Certificate in Leadership and*
37 *Management.* A graduate of the Master's degree or Certificate in Leadership and
38 Management (C-Pro) from the CSC shall be considered to have met the master's
39 degree requirement for purposes of meeting the education requirement for
40 division chief and executive/managerial positions.

41
42 **Article 86.** *Bachelor of Laws and Doctor of Medicine.* Completion of the
43 degrees of Bachelor of Laws/Juris Doctor and Doctor of Medicine from a
44 CHED-recognized institution shall be considered appropriate education for
45 appointment to division chief and executive/managerial positions or other

1 positions requiring a master's degree, the duties of which do not involve
2 practice of profession covered by bar/board laws.

3
4 **Article 87. *Exemption from the Master's Degree Requirement.*** RA No.
5 1080 eligibles shall be exempt from the master's degree requirement for
6 division chief and executive/managerial positions the duties and
7 responsibilities of which involve practice of profession or belong to the same
8 occupational group or functionally related positions as that of the professions
9 regulated by Bar or Board laws.

10
11 However, a master's degree shall be required if the
12 executive/managerial or division chief position does not involve practice of
13 profession or does not belong to the same occupational group or functionally
14 related positions as that of the professions regulated by Bar/Board laws;
15 provided that, this does not apply to lawyers and doctors.

16
17 **Article 88. *Career Executive Service Eligibles.*** Career Executive Service
18 (CES) or Career Service Executive (CSE) eligibles shall likewise be considered to
19 have met the master's degree requirement for purposes of meeting the
20 education requirement for division chief and executive/managerial positions.

21
22 **Article 89. *Certificate of Registration or Professional License.*** Those who
23 have been allowed to register and are issued certificate of registration or valid
24 professional license of a specific board law shall be considered as having met
25 the educational requirements for appointments to positions covered by the
26 corresponding board law or other functionally related positions that do not
27 involve the practice of other professions covered by bar/board laws.

28
29 **Article 90. *Professional and Non-professional Examinations Threshold.***
30 Those who were allowed to take the Career Service Professional and Sub
31 professional examinations on or before November 29, 1992 shall be considered
32 as having met the education requirement for appointment to corresponding
33 level of position not covered by bar/board laws.

34 35 36 **Part III. Experience**

37
38 **Article 91. *Experience Defined.*** Experience refers to the previous jobs in
39 either the government or private sector, whether full-time or part-time, which,
40 as certified by the Human Resource Management Officer or authorized officials
41 of the previous employer, are functionally related to the duties in the PDF of
42 the position to be filled.

43
44 **Article 92. *Job Order or Contract of Service Acquired Experience.***
45 Relevant experience acquired through a Job Order or Contract of Service

1 covered by a contract or a Memorandum of Agreement may be considered for
2 meeting the experience requirement.

3
4 **Article 93.** *Full Time Volunteer Work.* Relevant experience acquired
5 through volunteer work, on full time basis, as certified by the Human Resource
6 Management Officer or authorized officials, may be considered for meeting the
7 experience requirement.

8
9 **Article 94.** *First Level Positions Experience.* Experience in first level
10 positions may be considered for meeting the experience requirement of second
11 level positions when acquired in the same occupational group or functionally
12 related positions.

13
14 **Article 95.** *Experience Acquired Through Designation.* Relevant
15 experience acquired through a designation covered by an Office or
16 Memorandum Order may be considered for meeting the experience
17 requirement.

18 **Part IV. Training**

19
20
21 **Article 96.** *Training Defined.* Training refers to formal or non-formal
22 training courses and HRD- interventions such as coaching, mentoring, job
23 rotation, seminars, workshops, and others that are part of the employees
24 Individual Development Plan/Career Development Plan. These
25 trainings/learning and development interventions are intended to enable the
26 candidate to successfully perform the duties and responsibilities as indicated
27 in the PDF or Job Description (JD) of the position to be filled. These are
28 evidenced by the Learning and Development Plan/Coaching and Mentoring
29 Program approved by the agency head and Certificates issued by the HRMO or
30 authorized official from the government or private sector.

31
32 **Article 97.** *Human Resource Development Intervention.* Continuous
33 learning and development shall be espoused by the Bangsamoro Government.
34 The ministry, office or agency heads shall ensure that each employee shall have
35 undergone at least one planned human resource development intervention
36 during the year. A minimum of forty (40) hours supervisory/ management
37 training or learning and development intervention per year based on the
38 Learning and Development Plan of the agency should be provided by the
39 agency to incumbents of supervisory and managerial positions.

40
41 **Article 98.** *Recognized Training Institutions.* Training may be acquired
42 from any of the following institutions:

- 43
44 a. Any CSC accredited learning and development institutions;

- 1 b. Government training institutions;
2
3 c. Non-accredited private training institution offering training of highly
4 technical/specialized nature;
5
6 d. Local training institution that is internationally acclaimed for
7 meeting the global standards of excellence in training;
8
9 e. Institution recognized by Ministry of Basic, Higher and Technical
10 Education (MBHTE) or Commission on Higher Education (CHED) as
11 Center of Excellence (COE) or Development (COD);
12
13 f. Foreign institution that offers training for scholarship purposes or
14 for personal advancement of participants; or
15
16 g. Other institutions that partner with the Civil Service Commission in
17 building capabilities of civil servants.
18

19 **Article 99.** *Trainings Acquired from Recognized Institutions Must be*
20 *Relevant.* Training acquired from any of the afore-mentioned institutions must
21 be relevant to the position to be filled and aligned with the strategy map or
22 development goal of the institution or organization.
23

24 **Article 100.** *Attendance or Services Rendered not Considered Trainings.*
25 Attendance to annual agency planning sessions/workshops/ conferences as a
26 requirement for operations and/or services rendered as facilitator/ resource
27 person in seminars/workshops/trainings shall not be considered for meeting
28 the training requirements.
29

30 In house agency-initiated or in-service training/learning and
31 development intervention shall be considered for purposes of meeting the
32 training requirement of positions.
33

34 **Article 101.** *Number of Hours Required for Division Chief.* The learning
35 and development/training required for Division Chief and comparable positions
36 shall be forty (40) hours of supervisory/management learning and development
37 intervention undertaken as determined by the CSC.
38

39 **Article 102.** *Number of Hours Required for Executive/Managerial*
40 *Positions.* Generally, the training required for executive/managerial positions in
41 the second level shall be 120 hours of supervisory/management learning and
42 development intervention undertaken as determined by CSC.
43

44 Management training includes, courses, workshops, seminars and other
45 learning and development interventions that develop and/or enhance

1 knowledge, skills and attitude to enable successful performance of
2 management functions such as planning, organizing, directing, controlling,
3 coordinating and overseeing the activities of an organization, a unit thereof or a
4 group. It is intended to develop/enhance leadership competencies to prepare
5 managers in managing people and work.
6

7 **Article 103.***MCLE and CPE/CPD Constitute Technical Training.* For
8 executive/managerial positions in the second level with duties and
9 responsibilities involving practice of profession, the Mandatory Continuing
10 Legal Education (MCLE) for Bar passers, the Continuing Professional
11 Education/Development (CPE/CPD) for licensed professionals or trainings
12 relevant to practice of profession may constitute for a maximum of 40 hours of
13 technical training and the remaining 80 hours shall be management trainings
14 undertaken within a period determined by CSC.
15

16 **Article 104.***Highly Technical or Specialized Trainings.*
17 Executive/managerial positions in the second level with duties and
18 responsibilities which are highly-specialized in nature as shown in their
19 PDFIJD may require trainings which are highly technical and or highly-
20 specialized. These highly technical highly-specialized trainings shall make up
21 for the 120 hours of management and technical training where a maximum of
22 80 hours shall be for technical training and the minimum of 40 hours shall be
23 management trainings undertaken within a period determined by CSC.
24

25 **Article 105.***Amendments to Training Requirements.* Proposed
26 amendments to the training requirements for executive/ managerial positions
27 as discussed in Articles 103 and 104 hereof, and other valid reasons shall be
28 submitted to the Commission for approval. In the absence of CSO- approved
29 agency specific training requirements, the one hundred twenty (120) hours of
30 management training undertaken within a period determined by CSC.
31

32 **Part V. Eligibility**

33
34 **Article 106.***Eligibility Defined.* Eligibility refers to the result of passing
35 a merit and fitness test which may be determined as far as practicable by
36 competitive examination, or based on highly technical qualifications or other
37 tests of merit and fitness conducted by the Civil Service Commission, and other
38 examinations such as the PRC-conducted board examinations, the SC-
39 conducted bar examinations or the CESB-conducted CES examinations.
40

41 **Article 107.***First Level Eligibilities Appropriate for First Level Positions;*
42 *Exception.* First level eligibilities are appropriate for appointment to positions in
43 the first level. They do not apply to those covered by bar/board/special laws,
44 and other special eligibilities as may be determined by the Commission or

1 those that require licenses such as those positions listed under Category IV of
2 CSC MC No. 11, s. 1996, as amended.

3
4 **Article 108.** *Second Level Eligibilities Appropriate for Second and First*
5 *Level Positions; Exception.* Second level eligibilities are appropriate for
6 appointment to positions in the second and first level. They do not apply to
7 those covered by bar/board/special laws, and other special eligibilities as may
8 be determined by the Commission or those that require licenses such as those
9 positions listed under Category IV of CSC MC No. 11, s. 1996, as amended.

10
11 **Article 109.** *Third Level Eligibility.* The requirement for Career
12 Executive Service eligibility shall not apply to Third Level position in the
13 BARMM, unless otherwise provided by law or existing jurisprudence.

14
15 **Article 110.** *Bar/Board Examination Passers.* Eligibilities resulting from
16 passing the bar/board examinations shall be required for appointment to
17 positions the duties of which constitute the practice of profession(s) regulated
18 by the Philippine bar/board laws. Likewise, such eligibilities shall be
19 considered to appropriate positions requiring the completion of at least a
20 bachelor's degree and to other first and second level positions not covered by
21 bar/board/special laws and/or those that require other special eligibilities as
22 may be determined by the Commission or those that require licenses such as
23 those positions listed under Category IV of CSC MC No. 11, s. 1996, as
24 amended.

25
26 **Article 111.** *Board Passers Eligible to Other First Level Positions.*
27 Eligibilities resulting from passing the board examinations which require
28 completion of less than a bachelor's degree shall be considered appropriate to
29 positions for which the examinations were given, and to other first level
30 positions not covered by board/special laws and/or those that require other
31 special eligibilities as may be determined by the Commission or those that
32 require licenses such as those positions listed under Category IV of CSC MC
33 No. 11, s. 1996, as amended.

34
35 **Article 112.** *Unassembled, Testimonial or Special Examinations.*
36 Eligibilities resulting from passing the Unassembled, Testimonial or special
37 examinations conducted by the CSC or by the ministries, offices or agencies
38 with the assistance of or in coordination with the CSC shall only be appropriate
39 for appointment to the positions for which they were given, to other
40 functionally related positions, and other positions as may be determined by the
41 Commission.

42
43 Incumbents of positions who were issued permanent appointments
44 using eligibilities resulting from these examinations shall retain their
45 permanent status but may only be promoted to positions belonging to the same

1 occupational group or functionally related positions for which the examinations
2 were given or other positions as may be determined by the Commission.

3
4 **Article 113.** *Very Satisfactory Performance Eligibility Appropriate for*
5 *Highly Skilled Positions.* Eligibilities granted after one year of Very Satisfactory
6 actual work performance under temporary status for positions listed under
7 Category II of CSC MC No. 11, s. 1996, as amended, shall only be appropriate
8 for appointment to highly skilled positions within the same occupational group
9 or functionally related positions.

10
11 **Article 114.** *Eligibilities Under Category I (SCEP) Positions.* Eligibilities
12 previously issued under Category I (SCEP) shall continue to be appropriate for
13 permanent appointment to corresponding positions re- categorized under
14 Category II and other functionally-related positions without undergoing one (1)
15 year employment under temporary status, provided the other requirements are
16 met.

17
18 **Article 115.** *Licenses Required Under Category IV Positions.* Licenses
19 issued by authorized government agencies shall be required for appointment to
20 positions listed under Category IV of CSC MC No. 11, s. 1996, as amended.

21
22 **Article 116.** *NAPOLCOM Eligibility.* Passing the NAPOLCOM
23 examinations shall be considered as an eligibility appropriate only for
24 appointment to uniformed personnel positions in the PNP, unless otherwise
25 provided by law.

26
27 **Article 117.** *Shari'ah Bar Eligibility Threshold.* Passing the 13th Shari'a
28 Bar Examinations held in January 2014 and the Shari'ah Bar Examinations
29 conducted thereafter shall be considered as an eligibility appropriate for
30 appointment to first and second level positions, except for positions covered by
31 bar/board/special laws and/or those that require other special eligibilities as
32 may be determined by the Commission or those that require licenses such as
33 those positions listed under Category IV of CSC MC No. 11, s. 1996, as
34 amended.

35
36 Passing the Shari'ah Bar Examinations held prior to the 13th Shari'ah
37 Bar Examinations shall be considered as appropriate for appointment to first
38 level positions, except for positions covered by board/special laws and/or those
39 that require other special eligibilities as may be determined by the Commission
40 or those that require licenses such as those positions listed under Category IV
41 of CSC MC No. 11, s. 1996, as amended.

42
43 For purposes of appointment, passers of the Shari'ah Bar Examinations
44 shall be required to submit an authenticated copy of his/her Certificate of
45 Membership in the Shari'a Bar issued by the Supreme Court.

1
2
3 **Chapter VI**
4 **MERIT SELECTION PLAN AND**
5 **HUMAN RESOURCE MERIT AND SELECTION BOARD**
6

7 **Article 118.***Merit Selection Plan Coverage.*The Merit Selection Plan
8 (MSP) shall cover positions in the first and second level and shall also include
9 original appointments and other related human resource actions.

10
11 There shall be no discrimination in the selection of employees on
12 account of age, sex, sexual orientation and gender identity, civil status,
13 disability, religion, ethnicity, or political affiliation.

14
15 **Article 119.***Different Bangsamoro Promotion and Selection Boards May*
16 *be Constituted.* Each ministry, office and agency may constitute two (2)
17 Bangsamoro Promotion and Selection Boards (BPSB) - one for the first and
18 second level positions and another for second level executive/managerial
19 positions.

20
21 Each ministry, office or agency may establish special BPSB for
22 specialized and highly technical positions or different sets of BPSB for its own
23 purpose, but the same should be provided in their respective Merit Selection
24 Plan to be submitted to the CSC-BARMM for approval.

25
26 **Article 120.***BPSB to Assist the Appointing Authority.* The BPSB shall
27 assist the appointing officer/authority in the judicious and objective selection
28 of candidates for appointment in the agency in accordance with the approved
29 Agency Merit Selection Plan (MSP).

30
31 The BPSB shall be primarily responsible for the judicious and objective
32 selection of candidates for appointment in the agency in accordance with the
33 approved Agency MSP and shall submit to the appointing officer/authority the
34 top five (5) ranking candidates deemed most qualified for appointment to the
35 vacant position.

36
37 **Article 121.** *Report of BPSB's Assessment.*The appointing
38 officer/authority shall be guided by the report of the BPSB's assessment of
39 candidates and in the exercise of sound discretion, select, insofar as
40 practicable, from among the top five (5) candidates or less, deemed most
41 qualified for appointment to the vacant position, depending on the number of
42 candidates.

43
44 **Article 122.***Applicant Ranked Higher than Next-in-Rank May be*
45 *Appointed.* The appointing officer/authority may appoint an applicant who is

1 ranked higher than those next-in-rank to the vacant position based on the
2 assessment of qualifications/competence evidenced by the comparative
3 ranking.
4

5 **Article 123.***Composition of the BPSB.* There shall be BPSB to be
6 composed of the following:
7

8 1. *FIRST and SECOND LEVEL POSITIONS*
9

10 *For Ministries / GOCCs:*
11

12 Chairperson: Highest official in-charge of human resource management
13 or his/her authorized representative.
14

15 Members:
16

- 17 a) Head of organizational unit where vacancy exist, or his/her
18 designated alternate;
19 b) Human Resource Management Officer(HRMO) or the career service
20 employee directly responsible for recruitment, selection and placement,
21 or his/her designated alternate;
22 c) Two (2) regular and alternate representatives of the rank and file
23 career employees, from the first level and from the second level, who
24 shall all be chosen by the duly accredited employees association in the
25 agency.
26

27 *For LGUs:*
28

29 Chairperson: The Local Chief Executive, or his/her authorized
30 representative
31

32 Members:
33

- 34 a) Vice/Governor/ Vice Mayor or his/her authorized representative, if
35 the vacant position is in his/her Office or in the Office of the
36 Sanggunian;
37 b) Head of organizational unit where vacancy exist, or his/her
38 designated alternate;
39 c) Human Resource Management Officer (HRMO) or the career service
40 employee directly responsible for recruitment, selection and placement,
41 or his/her designated alternate;
42 d) Two (2) regular and alternate representatives of the rank and file
43 career employees, from the first level and from the second level, who
44 shall all be chosen by the duly accredited employees association in the
45 agency.
46

1 2. *EXECUTIVE/MANAGERIAL POSITIONS*

2
3 *For Ministries/ GOCCs:*

4
5 Chairperson: Minister or his/her authorized representative.

6
7 Members:

8
9 a) Director general or its equivalent or his/her authorized
10 representative or designated alternative;

11 b) Director for Administration or his/her authorized Representative or
12 designated alternate.

13
14 *For LGUs:*

15
16 Chairperson: The Local Chief Executive, or his/her authorized
17 Representative

18
19 Members:

20
21 a) Vice Governor/ Vice Mayor or his/her authorized representative, if
22 the vacant position is in his/her Office or in the Office of the
23 Sanggunian;

24 b) Two (2) Department Heads, one of which is preferable the HRM
25 Department Head or equivalent or their designated alternates.

26
27 **Article 124.** *Official to Supervise Human Resource Management.* The
28 highest official in-charge of the human resource management shall be the
29 official directly supervising the human resource management of the agency.

30
31 The HRMO is the officer/official in-charge of the recruitment, selection,
32 and placement.

33
34 In case there is no accredited employees' association in the agency, the
35 representatives shall be chosen at large by the employees through a general
36 assembly. The candidate who garnered the second highest votes shall
37 automatically be the alternate representative. Any other mode of selection may
38 be conducted for the purpose.

39
40 The first level representative or alternate shall participate during the
41 screening of candidates for vacancies in the first level; the second level
42 representative or alternate shall participate in the screening of candidates for
43 vacancies in the second level. Both rank-and-file representatives shall serve for
44 a period of two (2) years.

1 **Article 125.** *Office Order to Identify Principal and Alternate Members of*
2 *the BPSB.* The ministry, office and agency head shall issue an Office Order
3 identifying the principal members of the BPSB and their designated alternates.
4 The CSC-BARMM should be furnished with a copy of the Office Order. For
5 LGUs, the BPSB shall be chaired by the local chief executive or his/her
6 authorized representative, and its members shall be determined by resolution
7 of the sanggunian concerned. A copy of which should also be furnished the
8 CSC-BARMM.
9

10 **Article 126.** *Equal Opportunity for Representation in the BPSB.* The
11 agency head shall, as far as practicable, ensure equal opportunity for men and
12 women to be represented in the BPSB for all levels of positions.
13

14 **Article 127.** *Prescribed Composition may be Modified.* The membership
15 of the BPSB can be modified, provided it conforms to the prescribed
16 composition. Each ministry, office or agency may add a reasonable number of
17 members, but the prescribed composition may not be reduced. The BPSB
18 members must be duly designated and their names posted in the agency
19 bulletin board. Any change in the composition of the BPSB should be reported
20 to the CSC-BARMM.
21

22 For LGUs, the same composition should be followed. In no instance
23 should the BPSB be composed entirely of the members of the local Sanggunian.
24

25 **Article 128.** *Role of Human Resource Management Office/ Unit.* The HRM
26 Office/Unit shall perform secretariat and technical support function to the
27 BPSB for the comparative assessment and final evaluation of candidates. It
28 shall also evaluate and analyze results of structured background investigation
29 for second level, supervisory, and executive/managerial positions.
30

31 The HRM Officer, as member of the BPSB, shall not act as secretariat to
32 the BPSB. For ministry, office and agencies with only one appointed or
33 designated HRM Officer, the agency head shall designate an employee from
34 other units to act as the secretariat.
35

36 **Article 129.** *Orientation and Workshop Required.* The BPSB members
37 including alternate representatives shall undergo orientation and workshop on
38 the ministry, office and agency selection/promotion process and CSC policies
39 on appointments.
40

41 **Article 130.** *Majority Required in the Deliberation.* The BPSB shall be
42 represented by at least the majority of its members during the deliberation of
43 candidates for appointment.
44

1 **Article 131.***Deliberation, How and When Conducted.* The BPSB shall
2 maintain fairness and impartiality in the assessment of candidates for
3 appointment. Towards this end, the BPSB may employ the assistance of
4 external or independent resource persons and may initiate innovative schemes
5 in determining the best and most qualified candidate.
6

7 The deliberation by the BPSB in the ministry and GOCCs with original
8 charters shall not be made earlier than ten (10) calendar days from the date of
9 publication and posting of vacant positions; and in the local government units
10 (LGUs) it shall not be made earlier than fifteen (15) calendar days from the date
11 of publication and posting of vacant positions. An appointment issued in
12 violation of these rules shall be disapproved/invalidated.
13

14 Candidates for the following appointments shall no longer be subject to
15 the screening of the BPSB:

- 16
- 17 a. Substitute appointment due to its short duration and emergency
18 nature.
 - 19
 - 20 b. Reappointment to change the employment status from temporary to
21 permanent upon meeting the deficiency or to renew the appointment
22 of a temporary employee, if upon publication there are no qualified
23 applicants and his/her performance rating is at least Very
24 Satisfactory for two (2) rating periods; or
 - 25
 - 26 c. Appointments to casual, contractual, coterminous and other non-
27 career positions as identified under Section 9, Subtitle A, Title I,
28 Book V of EO No. 292.
 - 29

30 **Article 132.** *Performance Rating Required.* An employee should have
31 obtained at least Very Satisfactory performance rating in the last rating period
32 prior to the assessment or screening for promotion or transfer.
33

34 The performance rating of at least Very Satisfactory (VS) in the last
35 rating period shall not be required for promotion from first to second level entry
36 positions.
37

38 The performance rating prior to the reclassification of the position shall
39 be considered as performance rating in the reclassified position for purposes of
40 promotion.
41

42 **Article 133.** *When to Fill Up Vacancies Resulting from Promotion.*
43 Ministry, office or agency shall not fill up vacancies resulting from promotion
44 until the promotional appointments have been approved/validated by the CSC,
45 except in meritorious cases, as may be authorized by the Commission.
46

1 **Article 134.***Three (3) Salary, Pay or Job Grades Limitation; Exceptions.*

2 An employee may be promoted to a position which is not more than three (3)
3 salary grade, pay or job grades higher than the employee's present position. All
4 appointments issued in violation of this policy shall be
5 disapproved/invalidated, except when the promotional appointment falls within
6 the purview of any of the following exceptions:

7
8 a. The position occupied by the person is next-in-rank to the vacant
9 position as identified in the Merit Selection Plan and the System of
10 Ranking Positions (SRP) of the agency.

11
12 b. The vacant position is a lone or entrance position, as indicated in the
13 ministry, office or agency staffing pattern.

14
15 c. The vacant position is hard to fill, such as Accountant, Medical
16 Officer/Specialist, Attorney, or Information Technology
17 Officer/Computer Programmer positions.

18
19 d. The vacant position is unique and/or highly specialized, such as
20 Actuarial, Airways Communicator positions.

21
22 e. The candidates passed through a deep selection process, taking into
23 consideration the candidates' superior qualifications in regard to:

24 i. Educational achievements;

25 ii. Highly specialized trainings;

26 iii. Relevant work experience; and

27 iv. Consistent high performance rating/ranking.

28
29 f. The vacant position belongs to the closed career system, i.e., those
30 that are scientific, or highly technical in nature that include the faculty
31 and academic staff of state colleges and universities, and the scientific
32 and technical positions in scientific or research institutions, all of which
33 establish and maintain their own merit systems.

34
35 g. Other meritorious cases, such as:

36 i. when the appointee is the lone applicant who meets all
37 the requirements of the position and passed through the
38 deep selection process;

39 ii. when the qualified next-in-rank employees waived their
40 right over the vacant position in writing;

- 1 iii. when the next-in-rank position, as identified in the
- 2 agency SRP is vacant;
- 3 iv. when the next-in-rank employee/s is/are not qualified; or
- 4 v. when the qualified next-in-rank employees did not apply.
- 5

6 **Article 135.***Applicability of Three (3) Salary Grade Limitation.* The three-
7 salary grade limitation shall apply only to promotion within the ministry, office
8 or agency. This prohibition shall not apply to the following human resource
9 actions which involve issuance of an appointment:

- 10
- 11 a. Transfer incidental to promotion provided that the appointee was
- 12 subjected to deep selection;
- 13
- 14 b. Reappointment involving promotion from non-career to career
- 15 provided the appointee was subjected to deep selection;
- 16
- 17 c. Reappointment from career to non-career position;
- 18
- 19 d. Re-employment; or
- 20
- 21 e. Reclassification of position.
- 22

23 **Article 136.***Strict Observance of the Above Conditions Enjoined.* In the
24 selection process, ministry, office or agency heads are enjoined to strictly
25 observe the above conditions to avoid disapproval or invalidation of
26 promotional appointments.

27

28 **Article 137.***Evaluation of the Manner and Merit of the Issuance of*
29 *Appointment.* In the evaluation of promotional appointments, the CSC-BARMM
30 make a thorough evaluation of the manner and merit of the issuance of the
31 appointment vis-a-vis the reasons or justifications of the appointing authority
32 before taking any action on the appointments.

33

34 **Article 138.***Submission of Selection and Recruitment Plan (SRP).* To
35 facilitate review and evaluation of appointments, all agencies are required to
36 submit their SRP to CSC-BARMM. The ministry, office or agency SRP shall be
37 used as one of the bases for determining whether agencies observe the policy
38 on the three-salary grade limitation on promotion as herein provided.

39

40 **Article 139.***Submission of Agency Merit Selection Plan (MSP).* All
41 Bangsamoro ministries, offices or agencies shall submit their Agency MSP to
42 the CSC-BARMM, which shall take effect immediately upon approval. All
43 subsequent amendments shall take effect immediately upon approval by the
44 CSC-BARMM.

1
2 d. In the interest of service, however, the appointing officer/authority
3 may set a date of effectivity of the resignation, but in no case shall be
4 earlier than the date specified in the letter of resignation or thirty (30)
5 days from submission thereof.
6

7 e. The acceptance of resignation is mandatory. The appointing
8 officer/authority may suspend the effectivity date of resignation despite
9 its initial written notice of acceptance due to any of the following
10 reasons:
11

12 1. When the country is at war or when any other national or
13 local emergency has been declared by the appropriate authority;
14 and
15

16 2. When it is necessary to prevent loss of life or property or in
17 case of imminent danger to public safety due to an actual or
18 impending emergency caused by serious accidents, fire, flood,
19 typhoon, earthquake, epidemic or other disaster or calamity.
20

21 3. A resignation previously suspended due to any of the
22 abovementioned reasons shall nonetheless be effective thirty (30)
23 days after the circumstances causing the previous suspension
24 has ceased as certified by the appropriate authority or the
25 appointing officer/authority.
26

27 f. If the last day of the period given to the appointing
28 officer/authority to act and furnish copy of the written action on the
29 tendered resignation falls on a holiday or non-working day, copy of the
30 written action shall be furnished the official or employee concerned on
31 the next working day immediately following a holiday or non-working
32 day.
33

34 g. The official or employee concerned may withdraw the tender of
35 resignation any time prior to receipt of notice of acceptance of the
36 resignation from the appointing officer/authority or before the lapse of
37 the thirty (30)-day period given for the latter to act on the resignation,
38 whichever comes first.
39

40 h. Until the resignation is accepted, the tender of resignation is
41 revocable. Once the resignation is deemed complete and operative, the
42 withdrawal thereof shall not automatically restore the employee to
43 his/her former position.
44

1 i. The following documents shall be submitted to the CSC-BARMM
2 within thirty (30) calendar days from the date of the effectivity of the
3 resignation, for record purposes:
4

5 1. the voluntary written notice of the employee informing the
6 appointing officer/authority that he/she is relinquishing his/her
7 position and the effectivity date of said resignation;
8

9 2. the acceptance of resignation in writing by the agency head
10 or appointing officer/authority which shall indicate the date of
11 effectivity of the resignation; and
12

13 3. the proof of notice of the acceptance of resignation to the
14 employee.
15

16 j. An official or employee under investigation, except those prohibited
17 by law, may be allowed to resign pending decision of his/her case
18 without prejudice to the continuation of the proceedings until finally
19 terminated.
20

21 **Article 142. *Dismissal Defined.*** Dismissal is the termination or the act
22 of being discharged from employment or service for cause. It is the definite
23 severance of an officer or employee from government service on the initiative of
24 the agency or office, CSC, Ombudsman, or regular courts.
25

26 The Report on Database of Individuals Barred from Entering
27 Government Service and Taking Civil Service Examinations (DIBAR) together
28 with a certified true copy of the decision rendered which has become executory,
29 where the penalty of dismissal was imposed, shall be submitted by the HRMO
30 to the CSC-BARMM within thirty (30) calendar days from the date of such
31 decision, for record purposes.
32

33 **Article 143. *Other Modes.*** For other modes of separation such as
34 dropping from the rolls, termination/expiration of temporary, coterminous,
35 contractual or casual appointment, retirement, or death, a copy of the order of
36 dropping from the rolls or notice of separation signed by the appointing
37 officer/authority stating the date of such separation, or the death certificate
38 shall be submitted by the HRMO to the CSC-BARMM within thirty (30)
39 calendar days from the date of the effectivity of the dropping from the rolls,
40 date of separation, or death for record purposes.
41
42
43

44 **Chapter VIII**

45 **DISAPPROVAL, INVALIDATION AND RECALL**

1 **OF APPROVAL/VALIDATION OF APPOINTMENTS**

2
3 **Article 144.***Grounds for Disapproval or Invalidation.* The following are
4 the grounds for disapproval or invalidation of an appointment:

- 5
6 a. The appointee does not meet the qualification standards for the
7 position;
- 8
9 b. The appointee has been dismissed for cause as enumerated in
10 Section 50 (A), Rule 10 of the 2017 RACCS or has been found guilty
11 of a crime where perpetual/temporary disqualification from
12 appointment is attached to the penalty thereof, unless an executive
13 clemency has been granted;
- 14
15 c. The appointee has intentionally made a false statement of any
16 material fact or has practiced or attempted to practice any deception
17 or fraud in connection with his/her appointment;
- 18
19 d. The appointment has been issued in violation of the CSC-approved
20 Merit Selection Plan of the agency;
- 21
22 e. The contractual/casual appointment has been issued to fill a vacant
23 position in the plantilla of personnel or the contractual/casual
24 appointee will perform the duties and responsibilities of the vacant
25 position; or
- 26
27 f. The appointment has been issued in violation of existing Civil
28 Service Law, rules and regulations, the Board/Bar, Local
29 Government Code of 1991 (RA No. 7160), Publication Law (RA No.
30 7041), the Omnibus Election Code (BP Blg. 881, as amended) and
31 other pertinent laws.

32
33 **Article 145.***Termination of Services.* When an appointment is
34 disapproved/invalidated, the services of the appointee shall be terminated after
35 fifteen (15) days from receipt of the letter/decision disapproving/invalidating
36 the appointment, unless a motion for reconsideration or appeal is seasonably
37 filed.

38
39 **Article 146.***Appointment Deemed Effective Pending Affirmation of*
40 *Disapproval/Invalidation.* If the appointment, regardless of the status, is
41 disapproved/invalidated on grounds which do not constitute a violation of
42 pertinent laws as provided in Article 144 of this Code, the same is considered
43 effective until the disapproval/invalidation is affirmed by the CSC-BARMM or
44 the Commission. The services rendered shall be credited as government
45 services and the appointee shall be entitled to the payment of salaries from the
46 government as a de facto officer. However, the pendency of the appeal on

1 disapproved/invalidated temporary, contractual and casual appointments shall
2 not extend the period of effectivity thereof as provided for in the appointment
3 forms.

4
5 In order for the appointee to be considered as de facto officer, the
6 following elements must concur:

- 7
8 a. There must be a de jure office. - The position is under an existing
9 and legally recognized division, office, organization, Plantilla of
10 Position/staffing Pattern.
11
12 b. There must be color of right or general acquiescence by the public. -
13 It must be derived from an election or appointment, however
14 irregular or informal, so that the incumbent is not a mere volunteer.
15 The appointee only assumed the duties and responsibilities of the
16 position because he/she was issued his/her appointment paper.
17
18 c. There must be actual physical possession of the office in good faith.
19 The appointee has the presumption that the appointment issued to
20 him/her is in compliance with Civil Service Law and rules.

21
22 An appointment which is disapproved/invalidated on grounds that
23 constitute a violation of pertinent laws as provided in Article 144 of this Code
24 may be appealed and the appointee may continue to render services. In the
25 event the disapproval/invalidation is affirmed by the Commission, it becomes
26 executory. The services rendered shall not be credited as government service
27 and the appointing authority/officer shall be personally liable for the payment
28 of salaries.

29
30 If an appeal on a disapproved/invalidated appointment is granted by
31 the CSC-BARMM or by the Commission, the dispositive portion of the CSC-
32 BARMM or Commission Resolution shall state that the actual services rendered
33 by the appointee are deemed included in his/her service record, without the
34 need to file a request for accreditation of service.

35
36 **Article 147.** *Liability of Appointing Authority.* The appointing
37 officer/authority shall be personally liable for the salary of an appointee paid
38 after the CSC has finally disapproved/invalidated the appointment.

39
40 An employee whose promotional appointment is
41 disapproved/invalidated shall be reverted to his/her former position.

42
43 **Article 148.** *Appointments Made by Outgoing Elective Officials.* All
44 appointments issued after an election up to June 30 by outgoing elective
45 appointing officer/authority shall be disapproved/invalidated unless all the
46 following requisites relative to their issuance are met:

- 1
2 a. The appointee meets the approved minimum qualification standards
3 or qualification standards required under special law, if any, for the
4 position to which he/she was appointed;
5
6 b. The appointee has undergone the Bangsamoro Promotion and
7 Selection Board (BPSB) screening prior to the election ban. In this
8 case, the appointing officer/authority or agency shall submit the
9 minutes of the BPSB meetings and the evaluation report of the
10 applicants;
11
12 c. There is an urgent need for the issuance of the appointment/s so as
13 not to prejudice public service or endanger public safety; and
14
15 d. Civil Service Law, rules and regulations and special laws, if any, on
16 the issuance of appointments are followed.
17

18 **Article 149.** *Appointments Made by Outgoing Appointive Officials.* All
19 appointments issued after a presidential election up to June 30 by an
20 appointive appointing officer/authority coterminous with the President shall be
21 disapproved/invalidated, unless all the requisites as provided in Article 148
22 hereof relative to their issuance are met.
23

24 **Article 150.** *Mass Appointments.* The issuance of mass appointments of
25 more than twenty (20) appointments may be allowed provided the above
26 conditions in Articles 138 and 139 of this Code, as the case may be, are
27 followed.
28

29 **Article 151.** *Prior Authority before Appointment.* If in the exigency of the
30 service, the outgoing appointing officer/authority, whether elective or
31 appointive, opts to reappoint temporary, casual and/or contractual employees
32 or appoint/reappoint substitute teachers, during reorganization, etc., after the
33 elections or before June 30 of an election year, prior authority must be
34 obtained from the concerned CSC-BARMM; otherwise, such appointments shall
35 be disapproved/invalidated.
36

37 Such authority shall be granted on the basis of validated need to fill the
38 positions immediately in order not to prejudice public service and/or endanger
39 public safety.
40

41 **Article 152.** *Recall of Appointment.* Notwithstanding the initial
42 approval/validation of an appointment, the same may be recalled by the CSC-
43 BARMM or by the Commission on any of the following grounds:
44

- 45 a. Non-compliance with the procedures/criteria provided in CSC-
46 approved agency Merit Selection Plan;

- b. Failure to pass through the agency's BPSB; or
- c. Violation of existing Civil Service Law, rules and regulations.

Article 153. *Effect of Appointment Already Accepted by the Appointee.* The appointing officer/authority shall not withdraw or revoke an appointment already accepted by the appointee. Such appointment shall remain in full force and effect until disapproved/invalidated by the Commission. However, in case an appointment is void from the beginning due to fraud on the part of the appointee or because it was issued in violation of law, the proper appointing officer/authority may request the Commission for its withdrawal or revocation. Provided that if a protest on the appointment is filed, the Rules on Protest under the 2017 RACCS shall apply.

Article 154. *Executive Clemency.* No person who has been dismissed or perpetually excluded/disqualified from government service shall be appointed or reemployed unless he/she has been granted executive clemency by the President of the Philippines upon recommendation of the Commission.

Article 155. *Prohibited Promotion.* Promotion within six (6) months prior to compulsory retirement shall not be allowed except as otherwise provided by law.

Article 156. *Appointment after Compulsory Retirement Age Not Allowed; Exception.* No person who has reached the compulsory retirement age of sixty five (65) years can be appointed to any position in the government, except to a primarily confidential position.

A person appointed to a primarily confidential position who reaches the age of sixty five (65) is considered automatically extended in the service until the expiry date of his/her appointment or until his/her services are earlier terminated.

The extension of service of a person who will reach the compulsory retirement age of 65 years may be allowed for a period of six (6) months and in meritorious circumstances may be extended for another six (6) months. The request for extension shall be made by the Head of Office. The same shall be filed with the Commission not later than three (3) months prior to the date of the official/employee's compulsory retirement. Services rendered during the period of extension shall no longer be credited as government service.

However, for one who will complete the fifteen (15) years of service required under the GSIS Law, a maximum period of two (2) years may be allowed. Services rendered during the period of extension shall be credited as

1 part of government service for purposes of retirement. The official or employee,
2 may file the request of extension of service.

3
4 The request shall be submitted to the Commission with the following
5 documents:

- 6
7 a. Request for extension of service signed by the head of
8 office/appointing officer/authority or the employee in case of
9 extension to complete the 15-year service required under the GSIS
10 Law, containing the justifications for the request;
11
12 b. Certification by a licensed government physician that the employee
13 subject of the request is still mentally and physically fit to perform
14 the duties and functions of his/her position.
15
16 c. Certified true copy of the employee's Certificate of Live Birth;
17
18 d. Clearance of no pending administrative case issued by the CSC,
19 Office of the Ombudsman and agency concerned;
20
21 e. Service record of the employee, if the purpose of the extension is to
22 complete the fifteen (15)-year service requirement under the GSIS
23 law;
24
25 f. Certification from the GSIS on the Total Length of Service (TLS) of
26 the employee for those who are completing the fifteen (15)-year
27 service requirement;
28
29 g. Certified true copy of the updated Plantilla of Personnel issued by
30 the agency HRM Officer; and
31
32 h. Proof of payment of the filing fee.

33
34 The only basis for Heads of Offices to allow an employee to continue
35 rendering service after his/her 65th birthday is a Commission Resolution
36 granting the request for extension. In the absence of such resolution, the said
37 employee shall not be authorized to perform the duties of the position and
38 his/her salaries shall be the liability of the official responsible for the continued
39 service of the employee.

40
41 During the period of extension, the employee on service extension shall
42 be entitled to salaries and salary increases, allowances, and other
43 remunerations that are normally considered part and parcel of an employee's
44 compensation package subject to the existing regulations on the grant thereof,
45 except step increments. The employee shall also be entitled to fifteen (15) days

1 vacation and fifteen (15) days sick leave annually, provided that the same are
2 not commutative and cumulative.

3
4 **Article 157. *Prohibited Transfer or Appointment*** Unless allowed by the
5 Commission in meritorious cases, heads of oversight agencies and their staff
6 are prohibited from transferring or being appointed to any position in the
7 ministry, office, agency or local government unit which their unit is assigned or
8 designated to oversee within one year after the termination of such assignment
9 or designation.

10
11 **Article 158. *Limitation to Performance of Duties***. No person appointed to
12 a position in the non-career service shall perform the duties properly belonging
13 to any position in the career service.

14
15 **Article 159. *Limitation to Designation***. No consultant, contractual, non-
16 career or detailed employee shall be designated to a position exercising control
17 or supervision over regular and career employees, except as may be provided
18 by law.

19
20 **Article 160. *Contract of Service Employees***. No institutional or individual
21 contract of service employees shall be made to perform functions pertaining to
22 regular positions nor be designated to positions exercising control or
23 supervision over regular and career employees.

24
25 **Article 161. *Discrimination in Whatever Form Prohibited***. No
26 discrimination shall be exercised, threatened or promised against or in favor of
27 any person examined or to be examined or employed by reason of his/her
28 political or religious opinions or affiliations, sex, sexual orientation and gender
29 identity, civil status, age, disability, or ethnicity.

30
31 **Article 162. *Changes in Designation or Nomenclature Not Allowed***. No
32 changes in designation or nomenclature of positions resulting in promotion or
33 demotion in rank or increase or decrease in compensation shall be allowed in
34 LGUs, except when the position is actually vacant.

35
36 **Article 163. *Prohibited Private Business or Practice of Profession;***
37 *Exemptions*. No officer or employee, whether in a permanent or regular
38 capacity, temporary, casual, or hold-over, shall engage directly or indirectly in
39 any private business or practice of profession. Exemptions may be allowed,
40 subject to the limitations provided under RA No. 6713 and other special laws.
41 Provided, further that the following requirements/conditions are met:

- 42
43 a. Written permission from head of ministry, office, or agency must be
44 secured and renewed annually;

- 1 b. Time devoted outside of office hours shall not impair in any way the
2 efficiency of the officer or employee nor pose a conflict or tend to
3 conflict with the official functions and must be fixed by the head of
4 agency; and
5
6 c. Government facilities, equipment and supplies shall not be used
7 while engaged in private business or practice of profession.
8

9 **Article 164.** *Dual Citizenship not Allowed in Government Service.* A
10 person with dual citizenship shall not be appointed in the government unless
11 he/she renounces his/her foreign citizenship pursuant to the provisions of
12 Republic Act No. 9225. However, even if he/she has renounced his/her foreign
13 citizenship, but continues to use his/her foreign passport in travelling after
14 renunciation, he/she shall not be considered for appointment in the
15 government service.
16

17 This rule shall not apply to Filipino citizens whose foreign citizenship
18 was acquired by birth.
19

20 **Article 165.** *Candidates or Those Occupying Public Positions and/or in*
21 *Active Service in Foreign Countries Not eligible for Appointment.* The right to be
22 appointed to any public office in the Philippines cannot be exercised by, or
23 extended to, those who are candidates for or are occupying any public office in
24 the country of which they are naturalized citizens and/or are in active service
25 as commissioned or non-commissioned officers in the armed forces of the
26 country of which they are naturalized citizen
27
28
29
30

31 **BOOK III**
32 **CONDUCT OF CIVIL SERVANTS**
33

34 **Chapter I**
35 **CIVIL SERVANTS**
36

37 **Article 166.** *Norms of Conduct of Civil Servants of the Bangsamoro*
38 *Government.* (A) Every public official and employee in the Bangsamoro
39 Government shall observe the following as standards of personal conduct in
40 the discharge and execution of official duties:
41

- 42 a. *Commitment to public interest.* - Public officials and employees shall
43 always uphold the public interest over and above personal interest.
44 All Bangsamoro Government resources and powers of their
45 respective offices must be employed and used efficiently, effectively,

1 honestly and economically, particularly to avoid wastage in public
2 funds and revenues.

- 3
- 4 b. *Professionalism.* - Public officials and employees shall perform and
5 discharge their duties with the highest degree of excellence,
6 professionalism, intelligence and skill. They shall enter public
7 service with utmost devotion and dedication to duty. They shall
8 endeavor to discourage wrong perceptions of their roles as
9 dispensers or peddlers of undue patronage.
- 10
- 11 c. *Justness and sincerity.* - Public officials and employees shall remain
12 true to the people at all times. They must act with justness and
13 sincerity and shall not discriminate against anyone, especially the
14 poor and the underprivileged. They shall at all times respect the
15 rights of others, and shall refrain from doing acts contrary to law,
16 *Adat* or the Moro or non-Moro indigenous people's customary law,
17 good morals, good customs, public policy, public order, public safety
18 and public interest. They shall not dispense or extend undue favors
19 on account of their office to their relatives whether by consanguinity
20 or affinity except with respect to appointments of such relatives to
21 positions considered strictly confidential or as members of their
22 personal staff whose terms are coterminous with theirs.
- 23
- 24 d. *Political neutrality.* - Public officials and employees shall provide
25 service to everyone without unfair discrimination and regardless of
26 party affiliation or preference.
- 27
- 28 e. *Responsiveness to the public.* - Public officials and employees shall
29 extend prompt, courteous, and adequate service to the public.
30 Unless otherwise provided by law or when required by the public
31 interest, public officials and employees shall provide information of
32 their policies and procedures in clear and understandable language,
33 ensure openness of information, public consultations and hearings
34 whenever appropriate, encourage suggestions, simplify and
35 systematize policy, rules and procedures, avoid red tape and develop
36 an understanding and appreciation of the socio-economic conditions
37 prevailing in the country, especially in the depressed rural and
38 urban areas.
- 39
- 40 f. *Nationalism and patriotism.* - Public officials and employees shall at
41 all times be loyal to the Republic, the Bangsamoro and to the
42 Filipino people, promote the use of locally produced goods,
43 resources and technology and encourage appreciation and pride of
44 country and people. They shall endeavor to maintain and defend
45 Philippine sovereignty against foreign intrusion.

- 1
2 g. *Commitment to democracy.* - Public officials and employees shall
3 commit themselves to the democratic way of life and values,
4 maintain the principle of public accountability, and manifest by
5 deeds the supremacy of civilian authority over the military. They
6 shall at all times uphold the Constitution and put loyalty to country
7 above loyalty to persons or party.
8
- 9 h. *Simple living.* - Public officials and employees and their families shall
10 lead modest lives appropriate to their positions and income. They
11 shall not indulge in extravagant or ostentatious display of wealth in
12 any form.
13
- 14 i. *Respect for Human Dignity.* - Public officials and employees shall be
15 compassionate and approach anyone seeking the service of their
16 agency in a courteous and professional manner. They shall
17 discharge their duties in a manner that is caring and gender-
18 sensitive. They shall ensure that right to human dignity will be
19 regarded with utmost respect at all times.
20
- 21 j. *Uphold Equality* - Public official and employees shall at all times be
22 committed to public service and avoid discrimination. They shall
23 render public service with the highest degree of excellence and
24 professionalism to the Bangsamoro people and other stakeholders
25 without distinction of any kind, such as race, colour, sex, language,
26 religion, political or other opinion, national or social origin, property,
27 birth or other status.
28

29 (B) The Bangsamoro Government, in collaboration with CSC-
30 BARMM, shall adopt positive measures to promote (1) observance of
31 these standards including the dissemination of information programs
32 and workshops authorizing merit increases beyond regular progression
33 steps, to a limited number of employees recognized by their office
34 colleagues to be outstanding in their observance of ethical standards;
35 and (2) continuing research and experimentation on measures which
36 provide positive motivation to public officials and employees in raising
37 the general level of observance of these standards.
38

39 **Article 167.** *Duties of Public Officials and Employees.* - In the
40 performance of their duties, all public officials and employees are under
41 obligation to:
42

43 (a) Act promptly on letters and requests:

- 44 i. All applications or requests submitted shall be acted upon
45 by the assigned officer or employee within the prescribed

1 processing time stated in the Citizen's Charter which shall not be
2 longer than three (3) working days in the case of simple
3 transactions and seven (7) working days in the case of complex
4 transactions from the date the request and/or complete
5 application or request was received.

6 ii. For applications or requests involving activities which pose
7 danger to public health, public safety, public morals, public
8 policy, and highly technical application, the prescribed processing
9 time shall in no case be longer than twenty (20) working days or
10 as determined by the government agency or instrumentality
11 concerned, whichever is shorter.

12 iii. The maximum time prescribed above may be extended only
13 once for the same number of days, which shall be indicated in the
14 Citizen's Charter. Prior to the lapse of the processing time, the
15 office or agency concerned shall notify the applicant or requesting
16 party in writing of the reason for the extension and final date of
17 release of the government service/s requested. Such written
18 notification shall be signed by the applicant or requesting party to
19 serve as proof of notice.

20 iv. If the application or request for license, clearance, permit,
21 certification or authorization shall require the approval of the
22 Sangguniang Bayan, Sangguniang Panlungsod, or the
23 Sangguniang Panlalawigan as the case may be, the Sanggunian
24 concerned shall be given a period of forty five (45) working days to
25 act on the application or request, which can be extended for
26 another twenty (20) working days. If the Sanggunian concerned
27 has denied the application or request, the reason for the denial,
28 as well as the remedial measures that may be taken by the
29 applicant shall be cited by the concerned Sanggunian.

30 v. In cases where the cause of delay is due to force majeure or
31 natural or man-made disasters, which result to damage or
32 destruction of documents, and/or system failure of the
33 computerized or automatic processing, the prescribed processing
34 times mandated shall be suspended and appropriate adjustments
35 shall be made.

36 vi. No application or request shall be returned to the applicant
37 or requesting party without appropriate action. In case an
38 application or request is disapproved, the officer or employee who
39 rendered the decision shall send a formal notice to the applicant
40 or requesting party within the prescribed processing time, stating
41 therein the reason for the disapproval. A finding by a competent
42 authority of a violation of any or other laws by the applicant or

1 requesting party shall constitute a valid ground for the
2 disapproval of the application or request, without prejudice to
3 other grounds provided in this Act or other pertinent laws.

4 vii. Denial of Application or Request for Access to Government
5 Service. - Any denial of application or request for access to
6 government service shall be fully explained in writing, stating the
7 name of the person making the denial and the grounds upon
8 which such denial is based. Any denial of application or request is
9 deemed to have been made with the permission or clearance from
10 the highest authority having jurisdiction over the government
11 office or agency concerned.

12 viii. Limitation of Signatories. - The number of signatories in any
13 document shall be limited to a maximum of three (3) signatures
14 which shall represent officers directly supervising the office or
15 agency concerned; provided, that in case the authorized signatory
16 is on official business or official leave, an alternate shall be
17 designated as signatory. Electronic signatures or pre-signed
18 license, clearance, permit, certification or authorization with
19 adequate security and control mechanism may be used.

20 ix. Electronic Versions of Licenses, Clearances, Permits,
21 Certifications or Authorizations. - All Bangsamoro Government
22 ministries, offices and agencies are covered under Section 3 of
23 Republic Act No. 11032, and shall, when applicable, develop
24 electronic versions of licenses, clearances, permits, certifications
25 or authorizations with the same level of authority as that of the
26 signed hard copy which may be printed by the applicants or
27 requesting parties in the convenience of their offices.

28 x. Adoption of Working Schedules to Serve Applicants or
29 Requesting Parties. - Heads of ministries, offices and agencies
30 which render government services shall adopt appropriate
31 working schedules to ensure that all applicants or requesting
32 parties who are within their premises prior to the end of official
33 working hours are attended to and served even during lunch
34 break and after regular working hours.

35 xi. Identification Card. - All employees transacting with the
36 public shall be provided with an official identification card which
37 shall be visibly worn during office hours. The identification cards
38 must include the full name of the employee, the employee's
39 position, title, name of office and the office seal or logo. The
40 information on the identification card must be readable, such that
41 the officials and employees concerned can be easily identified by
42 the applicant or requesting party. For ministries, offices and

1 agencies where an identification card is not used, the officers and
2 employees must wear name plates or other means of
3 identification.

4 xii. Establishment of Public Assistance/Complaints Desk. —
5 Each ministry, office or agency shall establish a public
6 assistance/complaints desk in all their offices.

7 (b) Submit annual performance reports. - All heads or other
8 responsible officers of ministries, offices and agencies of the
9 Bangsamoro Government and of government-owned or controlled
10 corporations shall, within forty-five (45) working days from the end of
11 the year, render a performance report of the ministry, agency or office or
12 corporation concerned. Such report shall be open and available to the
13 public within regular office hours.

14 (c) Process documents and papers expeditiously. - All official papers
15 and documents must be processed and completed within a reasonable
16 time from the preparation thereof and must contain, as far as
17 practicable, not more than three (3) signatories therein. In the absence
18 of duly authorized signatories, the official next-in-rank or officer in
19 charge shall sign for and in their behalf.

20 (d) Act immediately on the public's personal transactions. - All public
21 officials and employees must attend to anyone who wants to avail
22 himself of the services of their ministries, agencies, offices and must, at
23 all times, act promptly and expeditiously.

24 (e) Make documents accessible to the public. - All public documents
25 must be made accessible to, and readily available for inspection by, the
26 public within reasonable working hours.

27 **Article 168.** *System of Incentives and Rewards.* - A system of annual
28 incentives and rewards is hereby established in order to motivate and inspire
29 public servants to uphold the highest standards of ethics. For this purpose, a
30 Committee on Awards to Outstanding Public Officials and Employees is hereby
31 created composed of the following: Senior Deputy Chief Minister as chairman,
32 Bangsamoro Mufti, representative holding a position of responsibility from an
33 accredited non-government organization, and two representatives from
34 organizations of Bangsamoro Government employees one each from the second
35 and first level positions to be appointed by the Chief Minister from the
36 nominees of their respective Boards.

37 It shall be the task of this Committee to conduct a periodic, continuing
38 review of the performance of public officials and employees, in all the branches
39 and agencies of the Bangsamoro Government and establish a system of annual
40

1 incentives and rewards to the end that due recognition is given to public
2 officials and employees of outstanding merit on the basis of the standards set
3 forth in this Code.

4
5 The conferment of awards shall take into account, among other things,
6 the following: the years of service and the quality and consistency of
7 performance, the obscurity of the position, the level of salary, the unique and
8 exemplary quality of a certain achievement, and the risks or temptations
9 inherent in the work. Incentives and rewards to public officials and employees
10 of the year to be announced in public ceremonies honoring them may take the
11 form of bonuses, citations, directorships in government-owned or controlled
12 corporations, local and foreign scholarship grants, paid vacations and the like.
13 They shall likewise be automatically promoted to the next higher position with
14 the commensurate salary suitable to their qualifications. In case there is no
15 next higher position or it is not vacant, said position shall be included in the
16 budget of the office in the next Bangsamoro General Appropriations Law. The
17 Committee on Awards shall adopt its own rules to govern the conduct of its
18 activities.

19
20 **Article 169. Prohibited Acts and Transactions.** - In addition to acts and
21 omissions of public officials and employees now prescribed in the Constitution
22 and existing laws, the following shall constitute prohibited acts and
23 transactions of any public official and employee and are hereby declared to be
24 unlawful:

25
26 (a) Financial and material interest. - Public officials and employees shall
27 not, directly or indirectly, have any financial or material interest in any
28 transaction requiring the approval of their office.

29
30 (b) Outside employment and other activities related thereto. - Public
31 officials and employees during their incumbency shall not:

32
33 (1) Own, control, manage or accept employment as officer,
34 employee, consultant, counsel, broker, agent, trustee or nominee
35 in any private enterprise regulated, supervised or licensed by their
36 office unless expressly allowed by law;

37
38 (2) Engage in the private practice of their profession unless
39 authorized by the Constitution or law, provided, that such practice
40 will not conflict or tend to conflict with their official functions; or

41
42 (3) Recommend any person to any position in a private enterprise
43 which has a regular or pending official transaction with their office.

44
45 These prohibitions shall continue to apply for a period of one (1)
46 year after resignation, retirement, or separation from public office,

1 except in the case of subparagraph (b) (2) above, but the
2 professional concerned cannot practice his profession in
3 connection with any matter before the office he used to be with, in
4 which case the one-year prohibition shall likewise apply.
5

6 (c) Disclosure and/or misuse of confidential information. - Public
7 officials and employees shall not use or divulge, confidential or
8 classified information officially known to them by reason of their office
9 and not made available to the public, either:

10
11 (1) To further their private interests, or give undue advantage to
12 anyone; or

13
14 (2) To prejudice the public interest.
15

16 (d) Solicitation or acceptance of gifts. - Public officials and employees
17 shall not solicit or accept, directly or indirectly, any gift, gratuity, favor,
18 entertainment, loan or anything of monetary value from any person in
19 the course of their official duties or in connection with any operation
20 being regulated by, or any transaction which may be affected by the
21 functions of their office.
22

23 Nothing in this Code shall be construed to restrict or prohibit any
24 educational, scientific or cultural exchange programs subject to national
25 security requirements.
26

27 **Article 170. *Statements and Disclosure.*** - Public officials and employees
28 have an obligation to accomplish and submit declarations under oath of, and
29 the public has the right to know, their assets, liabilities, net worth and
30 financial and business interests including those of their spouses and of
31 unmarried children under eighteen (18) years of age living in their households.
32

33 (A) *Statements of Assets and Liabilities and Financial Disclosure.* - All
34 public officials and employees, except those who serve in an honorary
35 capacity, laborers and casual or temporary workers, shall file under
36 oath their Statement of Assets, Liabilities and Net Worth and a
37 Disclosure of Business Interests and Financial Connections and those
38 of their spouses and unmarried children under eighteen (18) years of
39 age living in their households.
40

41 The two documents shall contain information on the following:
42

43 (a) real property, its improvements, acquisition costs, assessed
44 value and current fair market value;

45 (b) personal property and acquisition cost;

- 1 (c) all other assets such as investments, cash on hand or in banks,
2 stocks, bonds, and the like;
3 (d) liabilities, and;
4 (e) all business interests and financial connections.
5

6 The documents must be filed:
7

- 8 (a) within thirty (30) days after assumption of office;
9 (b) on or before April 30, of every year thereafter; and
10 (c) within thirty (30) days after separation from the service.
11

12 All public officials and employees required under this section to file
13 the aforestated documents shall also execute, within thirty (30) days
14 from the date of their assumption of office, the necessary authority in
15 favor of the Ombudsman to obtain from all appropriate Bangsamoro
16 Government agencies, including the Bureau of Internal Revenue, such
17 documents as may show their assets, liabilities, net worth, and also
18 their business interests and financial connections in previous years,
19 including, if possible, the year when they first assumed any office in the
20 Government.
21

22 Husband and wife who are both public officials or employees may
23 file the required statements jointly or separately.
24

25 The Statements of Assets, Liabilities and Net Worth and the
26 Disclosure of Business Interests and Financial Connections shall be
27 filed by:
28

- 29 (1) Chief Minister, Deputy Chief Ministers, Ministers and
30 members of Parliament, with the Deputy Ombudsman for
31 Mindanao;
32 (2) Shari'ah Justices, with the Clerk of Court of the Supreme
33 Court; Shari'ah Judges, with the Court Administrator;
34 (3) Regional and local officials and employees, with the Deputy
35 Ombudsman for Mindanao;
36 (4) All other public officials and employees, defined in Republic
37 Act No. 3019, as amended, with the Civil Service Commission.
38

39 (B) *Identification and disclosure of relatives.* - It shall be the duty of
40 every public official or employee to identify and disclose, to the best of
41 his knowledge and information, his relatives in the Bangsamoro
42 Government and National Government in the form, manner and
43 frequency prescribed by the Civil Service Commission.
44

45 (C) *Accessibility of documents.* - (1) Any and all statements filed under
46 this Code, shall be made available for inspection at reasonable hours.

1
2 (2) Such statements shall be made available for copying or
3 reproduction after ten (10) working days from the time they are filed
4 as required by law.

5
6 (3) Any person requesting a copy of a statement shall be required to
7 pay a reasonable fee to cover the cost of reproduction and mailing of
8 such statement, as well as the cost of certification,

9
10 (4) Any statement filed under this Code shall be available to the
11 public for a period of ten (10) years after receipt of the statement.
12 After such period, the statement may be destroyed unless needed in
13 an ongoing investigation.

14
15 (5) the pertinent provisions of Executive Order No. 2 series of 2016
16 (Freedom of Information) shall be observed.

17
18 (D) *Prohibited acts.* - It shall be unlawful for any person to obtain or use
19 any statement filed under this article for:

- 20
21 (a) any purpose contrary to morals or public policy; or
22 (b) any commercial purpose other than by news and
23 communications media for dissemination to the general public.
24

25 **Article 171. Divestment.** - A public official or employee shall avoid
26 conflicts of interest at all times. When a conflict of interest arises, he shall
27 resign from his position in any private business enterprise within thirty (30)
28 days from his assumption of office and/or divest himself of his shareholdings
29 or interest within sixty (60) days from such assumption.

30
31 The same rule shall apply where the public official or employee is a
32 partner in a partnership.

33
34 The requirement of divestment shall not apply to those who serve the
35 Bangsamoro Government in an honorary capacity nor to laborers and casual or
36 temporary workers.

37
38 a. Conflict of Interest occurs:

- 39
40 1. When the official or employee is:
41 i. a substantial stockholder; or
42 ii. a member of the Board of Directors; or
43 iii. an officer of the corporation; or
44 iv. an owner or has substantial interest in a business; or
45 v. a partner in a partnership; and
46

1 supports: *provided*, that public officers and employees holding political offices
2 may take part in political and electoral activities but it shall be unlawful for
3 them to solicit contributions from their subordinates or subject them to any of
4 the acts involving subordinates prohibited in the BARMM Election Code.

5
6 **Article 176.** *Additional or Double Compensation.* No elective or
7 appointive public officer or employee shall receive additional or double
8 compensation unless specifically authorized by law nor accept without the
9 consent of the President, any present, emolument, office, or title of any kind
10 from any foreign state.

11
12 Pensions and gratuities shall not be considered as additional, double or
13 indirect compensation.

14
15 **Article 177.** *Limitations on Employment of Laborers.* Laborers, whether
16 skilled, semi-skilled or unskilled, shall not be assigned to perform clerical
17 duties.

18
19 **Article 178.** *Prohibition on Detail or Reassignment.* No detail or
20 reassignment whatever shall be made within three (3) months before any
21 election.

22
23 **Article 179.** *Coverage of Nepotism.* The nepotism rule covers all kinds
24 of appointments whether original, promotion, transfer, and reemployment
25 regardless of status, including casual, contractual and coterminous but are not
26 primarily confidential. This rule shall also apply to designation.

27
28 **Article 180.** *Nepotism.* All appointments in any ministry,
29 instrumentality, or office in BARMM, including government-owned or controlled
30 corporations, made in favor of a relative of the appointing or recommending
31 authority, or of the head or chief of the bureau or office, or of the persons
32 exercising immediate supervision over him/her, are hereby prohibited.

33
34 As used in this article, the word “relative” and members of the family
35 referred to are those related within the third degree either of consanguinity or
36 of affinity.

37
38 **Article 181.** *Exemption from the Rules on Nepotism.* The following are
39 exempted from the operation of the rules on nepotism in the BARMM: (a)
40 persons employed in a confidential capacity, (b) teachers, (c) physicians, (d)
41 scientific and technology personnel under RA 8439, (e) personal security of
42 appointive and elective officials: *Provided*, however, that in each particular
43 instance full report of such appointment shall be made to the CSC-BARMM.

1 The restriction mentioned in Article 180 shall not be applicable to the
2 case of a member of any family who, after his or her appointment to any
3 position in an office or bureau, contracts marriage with someone in the same
4 office or bureau, in which event the employment or retention therein of both
5 husband and wife may be allowed.
6

7 In order to give immediate effect to these provisions, cases of previous
8 appointments which are in contravention hereof shall be corrected by transfer,
9 and pending such transfer, no promotion or salary increase shall be allowed in
10 favor
11

12 **Article 182.** *Nepotism in Local Government.* In the local government
13 career service, the prohibition extends to the relatives of the appointing or
14 recommending officer/authority within the fourth civil degree of consanguinity
15 or affinity. However, for the non-career service in the local government, the
16 prohibition extends to the third degree either of consanguinity or of affinity of
17 the appointing or recommending officer/authority, or head of office, or of the
18 person exercising immediate supervision over the appointee.
19

20
21 **BOOK IV**
22 **PROTECTION OF CIVIL SERVICE ELIGIBLES**
23

24 **Chapter I**
25 **SECURITY OF TENURE**
26

27 **Article 183.** *Protection of the Security of Tenure.* It is hereby declared
28 the policy of the Bangsamoro Autonomous Region to protect the security of
29 tenure of civil service officers and employees in the various agencies in BARMM
30 and of local governments, state colleges and universities expressly authorized
31 by law, including government-owned or controlled corporations with original
32 charters within the jurisdiction of BARMM, without sacrificing the need to
33 promote morale, efficiency in the civil service.
34

35 **Article 184.** *Removal or Suspension for Cause.* No officer or employee of
36 the civil service shall be removed or suspended except for cause provided by
37 law.
38

39 **Article 185.** *Notice and Hearing Required.* In removal or suspension of
40 officer or employee of BARMM, a valid cause must exist and only after due
41 notice and hearing.
42

43 **Article 186.** *Roster of Bangsamoro Eligibles.* The Bangsamoro
44 Government shall establish a Roster of Bangsamoro Eligibles which shall be

1 used as reference by the different ministries, offices, or agencies in case of
2 vacancies of positions.

3
4
5 **Chapter II**
6 **RIGHT TO SELF-ORGANIZATION**
7

8 **Article 187.***General Policy.* The right to self- organization shall not be
9 denied to government employees.

10
11 **Article 188.** *Self-organization.* All Bangsamoro government employees
12 can form, join or assist employees' organizations of their own choosing for the
13 furtherance and protection of their interests. They can also form, in
14 conjunction with appropriate government authorities, labor-management
15 committees, works councils and other forms of workers' participation schemes
16 to achieve the same objectives.

17
18 **Article 189.***Disqualified Employee.* High-level employees whose
19 functions are normally considered as policy-making or managerial or whose
20 duties are of a highly confidential nature shall not be eligible to join the
21 organization of rank-and-file Bangsamoro Government employees.

22
23 **Article 190.** *Non-Discrimination.* Bangsamoro Government employees
24 shall not be discriminated against in respect of their employment by reason of
25 their membership in employees' organizations or participation in the normal
26 activities of their organization. Their employment shall not be subject to the
27 condition that they shall not join or shall relinquish their membership in the
28 employees' organizations.

29
30 **Article 191.***Non-Interference.* Bangsamoro government authorities shall
31 not interfere in the establishment, functioning or administration of
32 Bangsamoro government employees' organizations through acts designed to
33 place such organizations under the control of Bangsamoro government
34 authority.

35
36 **Article 192.** *Applicability of Laws.* The existing laws, rules and
37 regulations on the right to self-organization shall apply.

38
39
40 **Chapter III**
41 **HOURS OF WORK, OVERTIME, UNDERTIME**
42

43 **Article 193.***Working Hours.* All Bangsamoro government officials and
44 employees are required to render eight (8) working hours a day for five working
45 days a week or a total of forty (40) hours a week, exclusive of time for lunch.

1
2 The normal working hours of Bangsamoro government officials and
3 employees shall be from 8:00 a.m. to 12:00 a.m. and 1:00 p.m. to 5:00 p.m.
4

5 **Article194. *Work Schedule Shifting.*** In the exigency of the service, or
6 when necessary by the nature of the work of a particular ministry, office or
7 agency and upon representations with the Commission by the Ministry heads
8 concerned, requests for the rescheduling or shifting of work schedule for a
9 number of working days lesser than the required five (5) days may be allowed
10 provided that Bangsamoro Government officials and employees render a total
11 of forty hours a week and provided further that the public is assured of core
12 working hours of eight in the morning to five in the afternoon continuously for
13 the duration of the entire work week.
14

15 **Article195. *Flexible Working Hours.*** In the event Bangsamoro officials
16 and employees elect to adopt flexi-time in reporting for work, in no case shall
17 the working hours be reduced.
18

19 The flexible working hours shall not start earlier than 7:00 o'clock in
20 the morning and end later than 7:00 o'clock in the evening, hence the public is
21 still assured of the core working hours of eight o'clock in the morning to five
22 o'clock in the afternoon. The public must be assured of a continuous service
23 during the period of 12:00 noon to 1:00 o'clock in the afternoon.
24

25 Ministers of Ministries, heads of offices and agencies shall have the
26 authority to approve office working hours, provided that in such working hours
27 officials and employees shall render not less than eight hours a day for five
28 days a week for a total of forty hours. The Flexible Working Hours adopted by
29 the official or employee shall thereafter be his regular working hours which
30 cannot be occasionally or periodically changed at his convenience.
31

32 A report of flexible working hours adopted by the ministry, office or
33 agency shall be submitted to the CSC-BARMM within thirty (30) days of its
34 implementation.
35

36 **Article196. *Record of Attendance.*** All Bangsamoro officers and
37 employees shall record their daily attendance on the proper form or, whenever
38 possible, have them registered on the bundy clock or Biometric Attendance
39 Monitoring System (BAMS). Any other means of recording attendance may be
40 allowed provided their respective names and signatures as well as the time of
41 their actual arrival to and departure from office are indicated, subject to
42 verification. This shall include those serving in the field, that is, outside the
43 office proper, and those on the water or service rendered on board a vessel as
44 the usual place of work. The Record of Attendance which shall be kept in a
45 conspicuous place, shall be in the custody of a responsible officer who shall
46 monitor the arrival, departure of officials and employees.

1
2 All other Bangsamoro officials who are not required to use the bundy
3 clock or BAMS shall hereinafter record their attendance in the manner
4 prescribed by the ministry, office, or agency and their absences shall be
5 covered with the requisite leave of absence.
6

7 **Article 197. Overtime Services.** When the interest of public service so
8 requires, the daily hours of work for Bangsamoro officers and employees may
9 be extended by the head of the ministry, office or agency concerned, which
10 extension shall be fixed in accordance with the nature of work. They may also
11 be requested to render overtime work which shall be paid except when
12 rendered in the exigency of the service or when service requires them to work
13 urgently, subject to existing regulations.
14

15 **Article 198. Non-Offsetting.** Off-setting of tardiness or absences by
16 working the equivalent number of minutes or hours by which a Bangsamoro
17 officer or employee has been tardy beyond the regular or approved working
18 hours of the employees concerned shall not be allowed.
19

20 **Article 199. Undertime.** Any Bangsamoro employee who incurs
21 undertime regardless of the number of minutes/hours, ten (10) times a month
22 in a semester or at least two (2) consecutive months during the year shall be
23 subject to administrative sanctions prescribed under CSC MC No.04, s. 1991
24 (Policy on Absenteeism and Tardiness).
25

26 **Chapter IV**

27 **REHABILITATION PRIVILEGE**

28
29

30 **Article 200. Coverage.** All Bangsamoro personnel with permanent,
31 temporary, casual or contractual appointments, including those with fixed
32 terms of office, may avail themselves of the Rehabilitation Privilege during their
33 employment. Consultants and those hired under contract of service or job
34 order cannot avail themselves of the privilege because they are not government
35 employees.
36

37 **Article 201. Availment.** Bangsamoro officials and employees may be
38 entitled to the Rehabilitation Privilege for a maximum period of six (6) months
39 for wounds and/or injuries sustained while in the performance of official
40 duties. The duration, frequency and terms of availing of the privilege shall be
41 based on the recommendation of medical authority. Hence, availing of the
42 privilege may be for less than six (6) months, or may be on half-time basis or
43 an intermittent schedule as determined by medical authorities provided that
44 the cumulative total period of availing of the privilege will not exceed six (6)
45 months.

1
2 Illness or sickness resulting from or aggravated by working conditions
3 or the environment cannot be a basis for availing of the Rehabilitation Privilege
4 even if the same may be compensable under the law and regulations of the
5 Employees Compensation Commission (ECC).
6

7 **Article 202.***Performance of Duty.* For availing oneself of the
8 Rehabilitation Privilege, performance of duty means situation wherein the
9 official or employee was already at work. The same privilege may be extended to
10 officials and employees in situations where the official or employee meets an
11 accident while engaged in activities inherent to the performance of his or her
12 duties, including being on Official Business outside of his or her station,
13 Official Travel, authorized Overtime, Detail Order, and Special Assignment
14 Orders.
15

16 Injuries from accidents that occurred while the official or employee was
17 going to work and going home from work may be considered sustained while in
18 the performance of official duties.
19

20 Ministry, office or agency heads, in the exercise of sound discretion,
21 shall examine and consider the prevailing or circumstantial factors or
22 conditions of the government official or employee who intends to avail himself
23 or herself of the Rehabilitation Privilege.
24

25 These may include, but shall not be limited to, the following:
26

- 27 a. Established intent on the part of the official or employee in going to
28 work from home or going home from work;
29
- 30 b. The official or employee is in his or her usual route in going to work
31 from home and going home from work;
32
- 33 c. Reasonable proximity of the accident to the place of work or
34 agency's premises; and
35
- 36 d. Wounds or injuries were sustained within reasonable time from
37 leaving his or her home or recorded departure from the place of
38 work.
39

40 Other rightfully established evidence to merit the entitlement of an
41 official or employee to Rehabilitation Privilege may be considered.
42

43 **Article 203.***Non-deduction.* Absence of work during the period of
44 Rehabilitation Privilege shall not be deducted from the accumulated sick or
45 vacation leave credited of the official or employee.
46

1 removal made as a result of reorganization, giving rise to a claim for
2 reinstatement or reappointment by an aggrieved party:

- 3
- 4 a. Where there is a significant increase in the number of positions in
5 the new staffing pattern of the ministry, office or agency concerned;
6
 - 7 b. Where an office is abolished and other performing substantially the
8 same functions is created;
9
 - 10 c. Where incumbents are replaced by those less qualified in terms of
11 status of appointment, performance and merit;
12
 - 13 d. Where there is a reclassification of offices in the ministry, office or
14 agency concerned and the reclassified offices perform substantially
15 the same function as the original offices;
16
 - 17 e. Where the removal violates the order of separation provided in
18 Article 185 hereof.
19

20 **Article 208. Order of Removal.** In the separation of human resource
21 pursuant to reorganization, the following order of removal shall be followed:

- 22 a. Casual employees with less than five (5) years of government service;
- 23 b. Casual employees with five (5) years or more of government service;
- 24 c. Employees holding temporary appointments; and
- 25 d. Employees holding permanent appointments: provided, that those in
26 the same category as enumerated above, who are least qualified in
27 terms of performance and merit shall be laid first, length of service
28 notwithstanding
29

30 **Article 209. Preference of Officers and Employees Holding Permanent**
31 *Appointments.* Officers and employees holding permanent appointments shall
32 be given preference for appointment to the new positions in the approved
33 staffing pattern comparable to their former position or in case there are not
34 enough comparable positions, to positions next lower in rank.

35
36 No new employees shall be taken in until all permanent officers and
37 employees have been appointed, including temporary and casual employees
38 who possess the necessary qualification requirements, among which is the
39 appropriate civil service eligibility, for permanent appointment to positions in
40 the approved staffing pattern, in case there are still positions to be filled,
41 unless such positions are policy-determining, primarily confidential or highly
42 technical in nature.
43

1 **Article 210.** *Preference for Appointment in Other Agencies.* Officers and
2 employees holding permanent appointments shall be given preference for
3 appointment in other agencies if they meet the qualification requirements of
4 the positions therein.

5
6 **Article 211.** *Creation of Placement Committee.* In order that the best
7 qualified and most deserving persons shall be appointed in any reorganization,
8 there shall be created a Placement Committee in each appointment shall be
9 given preference for appointment in the judicious selection and placement of
10 human resource. The Committee shall consist of two (2) members appointed by
11 the head of the ministry or agency, a representative of the appointing authority,
12 and two (2) members duly elected by the employees holding positions in the
13 first and second levels of the career service: provided, that if there is a
14 registered employee association with a majority of the employees as members,
15 that employee association shall also have a representative in the Committee:
16 provided, further that immediately upon approval of the staffing pattern of the
17 ministry or agency concerned, such staffing pattern shall be made known to all
18 officers and employees of the agency who shall be invited to apply for any of the
19 positions authorized therein. Said application shall be considered by the
20 Committee in the placement and selection of human resource.

21
22 **Article 212.** *List of Human Resource to be Made Known.* A list of the
23 human resource appointed to the authorized positions in the approved staffing
24 pattern shall be made known to all the officers and employees of the ministry
25 or agency. Any of such officers and employees aggrieved by the appointments
26 made may file an appeal with the appointing authority who shall make a
27 decision within thirty (30) days from the filing thereof.

28
29 **Article 213.** *Appeal to the Civil Service Commission – Bangsamoro*
30 *Autonomous Region in Muslim Mindanao.* An officer or employee who is still not
31 satisfied with the decision of the appointing authority may further appeal
32 within ten (10) days from the receipt thereof to the CSC-BARMM which shall
33 render a decision thereon within thirty (30) days and whose decision shall be
34 final and executory.

35
36 **Article 214.** *Reinstatement or Reappointment in case Separation is in*
37 *Violation of the Code.* All officers and employees who are found by the CSC-
38 BARMM to have been separated in violation of the provisions of this Code, shall
39 be ordered reinstated or reappointed as the case may be without loss of
40 seniority and shall be entitled to full pay for the period of separation. Unless
41 also separated for cause, all officers and employees, who have been separated
42 pursuant to reorganization shall, if entitled thereto, be paid the appropriate
43 separation pay and retirement and other benefits under existing laws within
44 ninety (90) days from the date of the effectivity of their separation or from the
45 date of the receipt of the resolution of their appeals as the case may be:

1 provided, that application for clearance has been filed and no action thereon
2 has been made by the corresponding ministry or agency. Those who are not
3 entitled to said benefits shall be paid a separation gratuity in the amount
4 equivalent to one (1) month salary for every year of service. Such separation
5 pay and retirement benefits shall have priority of payment out of the savings of
6 the ministry or agency concerned.

7
8
9
10
11 **BOOK V**
12 **PROCEDURE ON DISCIPLINARY ACTIONS**

13
14 **Chapter I**
15 **PRELIMINARIES**
16

17 **Article 215.** *Coverage.* The provisions of this Book shall apply to
18 disciplinary administrative cases or matters brought before the Office of the
19 Chief Minister, the different ministries, offices or agencies of the Bangsamoro
20 Autonomous Region in Muslim Mindanao (BARMM), including its component
21 local government units (LGUs) and government-owned or controlled
22 corporations (GOCCs) with original charters in the Bangsamoro except as may
23 be provided by law enacted by the Bangsamoro Parliament or the Congress. As
24 to non-disciplinary in nature cases, the same shall be brought directly before
25 the CSC-BARMM.

26
27 **Article 216.** *Construction.* The provisions of Book V shall be liberally
28 construed in order to promote their objective in obtaining a just, speedy, and
29 inexpensive disposition of administrative cases.
30
31
32
33
34
35
36

37 **Chapter II**
38 **JURISDICTION AND VENUE OF ACTIONS**
39

40 **Article 217.** *Jurisdiction of the Office of the Chief Minister.* The Office of
41 the Chief Minister (OCM) shall have primary jurisdiction over administrative
42 cases or matters filed or brought before it by any person against any officials or
43 employees of the different offices, agencies, commissions or bureaus under it. It
44 shall also have the same jurisdiction over Deputy Chief Ministers, Ministers,
45 and Bangsamoro Director General of the different ministries, as well as the
46 heads of the GOCCs of the Bangsamoro Autonomous Region.

1
2 The Attorney General’s Office shall hear and try administrative cases
3 falling under the jurisdiction of the OCM. Thereafter, it shall submit its
4 findings and recommendation to the Chief Minister for final action.
5

6 **Article 218.** *Jurisdiction of the Different Ministries and GOCCs.* All
7 ministries and GOCCs with original charter shall have jurisdiction over
8 administrative cases or matters filed or brought before it by any person against
9 any of their respective officials or employees, except those officials mentioned
10 in the immediately preceding section.
11

12 **Article 219.** *Jurisdiction of the LGUs.* The jurisdiction of the LGUs shall
13 be in accordance with the provisions of the Local Government Code of the
14 Bangsamoro Autonomous Region.
15

16 **Article 220.** *Referral of Cases to Proper Disciplining Authority.* Cases
17 wrongly filed shall be referred by the concerned office or ministry to the proper
18 disciplining authority as specified in this Book. Referral to the OCM through
19 the Office of the Attorney General may also be made when in the honest, fair,
20 and reasonable judgment of the concerned ministry, office or agency, after
21 proper evaluation, the case could be best heard and tried by the former. A
22 statement under oath to this effect shall be made by the referring official or
23 disciplining authority. A proper endorsement or referral, together with the
24 complaint and its attachments, shall be transmitted to the OCM.
25
26
27
28

29 **Chapter III**
30 **COMPLAINT**
31

32 **Article 221.** *Complaint Defined; Who May Initiate.* A complaint is a
33 means of bringing to the attention of the proper disciplining authority the
34 commission of infraction by the person complained of. It may be initiated by
35 the disciplining authority *motu proprio* or upon a valid complaint filed by any
36 person.
37

38 **Article 222.** *Requisites of a Valid Complaint.* A complaint to be valid
39 must be in writing, written in a clear and concise language as to properly
40 apprise the person/s complained of, and must be subscribed and sworn to by
41 the complainant. However, in cases initiated by the proper disciplining
42 authority, a show cause order why no formal investigation should be conducted
43 against the person complained is sufficient.
44

45 The complaint shall contain the following:

- 1
- 2 a. Full name and address of the complainant;
- 3 b. Full name and address of the person complained of, his position and
- 4 office;
- 5 c. A narration of the relevant and material facts which shows the acts
- 6 or omissions complained of; and
- 7 d. A certification of non-forum shopping.
- 8

9 The same must also be accompanied by certified true copies of
10 documentary evidence and affidavits of witnesses, if any. The absence of any of
11 the aforementioned requirements may be a ground to dismiss the complaint
12 without prejudice to its refiling upon compliance with the above requirements.
13

14 **Article 223.** *Anonymous Complaint.* Considering the peculiar
15 circumstances surrounding the Bangsamoro, as well as to encourage the
16 reporting of any improper or illegal act or omission of public officials and
17 employees, anonymous complaint may be allowed. The same has to comply
18 with the requirements of a valid complaint except as to the requirements (a) &
19 (d), Article 222 of this Book as well as the required subscription, which may
20 either be in the form of an anonymous complainant or concerned employees or
21 individuals.
22

23 **Article 224.** *Obligation in Case of Anonymous Complaint.* The proper
24 disciplining authority must faithfully evaluate and validate the trustworthiness
25 of the allegations and the genuineness of the documentary evidence and act on
26 it accordingly. If he is convinced that the anonymous complaint is supported
27 by obvious truth or such documentary or other evidence showing the
28 probability that the offense was indeed committed, he shall require the person
29 complained of to file his counter-affidavit under oath within ten (10) days from
30 receipt of order.
31

32 **Article 225.** *Effect of the Pendency of Action.* No official or employee
33 shall be allowed to retire, resign or transfer during the pendency of the action
34 against him or her. This prohibition shall last until the final resolution of
35 his/her case and meted out the penalty imposed, if found guilty of the charge,
36 or after ninety (90) days from the filing of the complaint if the disciplining
37 authority failed, without justifiable reason, to dispose of the case without
38 prejudice to the continuation of the investigation.
39

40 **Article 226.** *Withdrawal of the Complaint.* If the complaint is withdrawn
41 by the complainant during its pendency, the same shall not result in its
42 outright dismissal or discharge of the person complained of from liability
43 except when the offense is purely personal between the complainant and the
44 person complained of and there is no apparent injury to the Bangsamoro
45 Autonomous Region. In any case, the withdrawal shall be subject to the
46 approval of the disciplining authority.

1 meritorious cases, however, the disciplining authority may extend such
2 investigation for a period of not more than ten (10) days from the expiration of
3 the original period.
4

5 **Article 231.** *Investigation Report.* Within five (5) days from such
6 termination, the investigation officer, body or committee shall submit the
7 Investigation Report, together with his recommendation and the complete
8 records of the case, to the proper disciplining authority for his or her
9 immediate action. The latter may adopt the investigator's recommendation or
10 require further investigation for a non-extendible period of five (5) days. In all
11 instances, the disciplining authority shall dismiss the complaint when, in his
12 fair and reasonable judgment, there is no prima facie case. The parties shall
13 then be furnished copy of the order with sufficient explanation of the reason/s
14 for such dismissal.
15
16
17

18 **Chapter V** 19 **FORMAL CHARGE** 20

21 **Article 232.** *Issuance of Formal Charge.* Within fifteen (15) days from
22 receipt of the Investigation Report, and a prima facie case has been properly
23 established, the disciplining authority shall issue a Formal Charge addressed
24 to the respondent, copy furnished the complainant. The same must contain the
25 following:
26

- 27 a. Full name and address of the complainant;
- 28 b. Full name and address of the respondent, his/her position and
29 office;
- 30 c. Specification and nature of the charge/s;
- 31 d. A brief statement of the relevant and material facts;
- 32 e. A directive to the respondent to file his/her Answer within a period
33 of ten (10) days; and
- 34 f. Place and date of issuance.
35

36 The Formal Charge shall be accompanied by copies of the complete
37 records of the case. The right to counsel of the respondent shall be recognized
38 in all stages of the proceedings but in no case shall be a cause to ask extension
39 of time to comply with the directives of the proper disciplining authority.
40

41 **Article 233.** *Prohibited Pleadings.* The following pleadings shall not be
42 entertained by the proper disciplining authority, to wit:
43

- 44 a. Bill of particulars or request for clarification;
- 45 b. Motion to dismiss on any grounds;
- 46 c. Motion for reconsideration; and

1 d. Motion for extension of time to file answer.
2

3 Any of the foregoing grounds may, however, be incorporated in the
4 answer of the respondent as part of his or her defenses.
5

6
7 **Chapter VI**
8 **ANSWER**
9

10 **Article 234.** *Contents.* The answer must be in writing and subscribed
11 and sworn to before a notary public. It shall contain the following:
12

- 13 a. Full name and address of the complainant;
14 b. Full name and address of the respondent;
15 c. Specification and nature of the charge/s;
16 d. Statement of material dates showing the date when the Formal
17 Charge was received and the date when the answer was filed;
18 e. Defenses and brief counter-statement of the relevant and material
19 facts;
20 f. A statement whether respondent elects to have a formal
21 investigation; and
22 g. The relief/s prayed for.
23

24 **Article 235.** *Period to File.* The respondent shall have ten (10) days from
25 receipt of the Formal Charge within which to file his/her answer. Failure to do
26 so shall be considered a waiver on his/her part and the case shall be decided
27 on the basis of the records available within a period of fifteen (15) days.
28

29
30 **Chapter VII**
31 **TAKING OF SOLEMN OATH**
32

33 **Article 236.** *Solemn Oath Meaning.* As used in this Book, a solemn oath
34 shall be understood to mean a moral asseveration in accordance with a
35 person's religious or cultural belief, in the nature of an oath in the presence of
36 a duly authorized person, in connection with a pending case, to the effect that
37 all statements or allegations made in relation thereto by the parties and/or
38 their witnesses are true and correct to their personal knowledge. It is separate
39 and distinct from the usual oath or subscription made before a notary public
40 or person authorized to administer oath.
41

42 **Article 237.** *When Required.* The proper disciplining authority, at any
43 stage of the proceeding, may require the parties to take a solemn oath if, in
44 his/her sound discretion, such taking may facilitate or help in ascertaining the
45 truth in relation to a case pending before him/her. It shall not be mandatory

1 for him/her to require such solemn oath and the same shall not be conclusive
2 proof as to the accuracy of the testimony or statement given.
3

4 **Article 238.** *Who May Administer.* The Bangsamoro Mufti or those he
5 may duly authorize in writing may administer the taking of a solemn oath in
6 cases of Muslims. As to non-Muslims or non-Moro Indigenous People, the same
7 shall be administered by the hearing officers.
8

9 **Article 239.** *Manner of Taking.* Before an oath is taken, the
10 administering officer shall see to it that the concerned person fully
11 understands the consequences of the oath and that the same is voluntary on
12 his/her part. The swearing must be in the language or dialect known to the
13 person taking an oath. He/she shall be given a reasonable period of time to
14 reflect upon the consequences of taking such oath.
15

16 **Article 240.** *Certification.* The administering officer shall issue the
17 necessary certification, under his/her official seal and signature, specifying
18 whether the concerned person actually took or refused to take the solemn oath
19 as well as the place and date of its taking. His/her observations must also be
20 indicated therein. The certification shall form part of the record of the case.
21
22
23
24

25 **Chapter VIII** 26 **PREVENTIVE SUSPENSION** 27

28 **Article 241.** *Nature and Purpose.* Preventive Suspension is not a
29 penalty. It is merely a precautionary measure allowed by law in order to
30 temporarily remove the respondent from the scene of the alleged
31 misfeasance/malfeasance/nonfeasance while the case is pending. The purpose
32 of which is to prevent him/her from using his/her office or position in exerting
33 undue influence or pressure on the witnesses and/or tampering with evidence.
34

35 **Article 242.** *Grounds for Issuance.* The proper disciplining authority
36 may, *motu proprio* or upon proper motion by the complainant, place the
37 respondent under preventive suspension upon issuance of Formal Charge or
38 immediately thereafter if the charge involves:
39

- 40 a. Dishonesty;
- 41 b. Oppression;
- 42 c. Grave Misconduct;
- 43 d. Gross Neglect of Duty;
- 44 e. An administrative offense committed on its second or third time and
45 the penalty thereof is dismissal from the service; or

1 f. Other offenses punishable by dismissal from the service.
2

3 In order for a preventive suspension to be valid, the evidence against
4 respondent must be strong and there must be a showing that he/she is in a
5 position to exert undue influence or pressure on the witnesses and/or to
6 tamper with evidence by reason of his/her position.
7

8 **Article 243. *Manner of Issuance.*** A preventive suspension may be
9 effected by issuance of an order by the proper disciplining authority specifying
10 the ground/s therefor, the evidence against respondent, and a directive to
11 immediately cease and desist from performing his/her official functions as well
12 as from entering the premises of his/her office pending investigation of his/her
13 case. The complainant and other concerned persons or offices shall be
14 furnished copy of the Order of Preventive Suspension.
15

16 **Article 244. *Duration.*** When properly issued, preventive suspension
17 shall commence from the time the order was received by the respondent and
18 shall last upon the lapse of ninety (90) days or after the resolution of his/her
19 case, whichever comes earlier. In the case of employees or officials of
20 component local government units of the Bangsamoro Autonomous Region, the
21 period of preventive suspension shall be up to sixty (60) days only. It is
22 understood that the periods mentioned are only the maximum periods within
23 which to place the respondent under preventive suspension. It does not
24 preclude the proper disciplining authority to place him/her under a lesser
25 period, which should not be less than two-thirds (2/3) of the maximum
26 duration, of preventive suspension so long as it is made in good faith and
27 taking into consideration the nature or gravity of the offense charged.
28

29 **Article 245. *Effect of the Lapse of the Period.*** If the disciplining
30 authority failed to resolve or decide the case after the lapse of the period
31 mentioned above, the respondent shall be automatically reinstated in the
32 service, unless the delay is due to the fault, negligence, or manipulations of the
33 respondent, in which case, the period of delay shall not be included in the
34 counting of the preventive suspension.
35

36 **Article 246. *Effect of Authorized Leave in Case of Preventive***
37 ***Suspension.*** Should the respondent be on authorized leave, the preventive
38 suspension shall be deferred or interrupted until such time that said leave has
39 been fully exhausted.
40

41 **Article 247. *Number of Preventive Suspension Allowed.*** No further
42 preventive suspension arising out of the same charge/s is allowed even if it is
43 merely for the purpose of exhausting the maximum period in a case where
44 lesser period was effected. If the respondent is already placed under preventive
45 suspension, the duration of the second preventive suspension arising out of a

1 different charge/s shall simultaneously run with the first without prejudice to
2 the service of the remaining period of the second.

3
4 **Article 248.** *Alternative to Preventive Suspension.* The proper
5 disciplining authority has the option to reassign the respondent for the same
6 period to another ministry, office, or agency as the case may be, if he or she is
7 convinced that the respondent cannot exert undue influence or pressure on the
8 witnesses and/or tamper with evidence to his/her advantage.

9
10 **Article 249.** *Remedies from the Order of Preventive Suspension.* The
11 respondent may, within ten (10) days from receipt, appeal the Order of
12 Preventive Suspension before the Office of the Chief Minister if it was issued by
13 a Minister or Head of a GOCC of the Bangsamoro Autonomous Region. If the
14 Order of Preventive Suspension was issued by the Chief Minister involving
15 higher officials mentioned under Article 217 of this Book, the same shall be
16 elevated directly to the Civil Service Commission. Pending appeal, the order
17 shall be executory and no motion for reconsideration is allowed to be
18 entertained by the issuing office or ministry.

19
20 **Article 250.** *Void on its Face Order.* Any of the following circumstances
21 shall render the order of preventive suspension void on its face:

- 22
23 a. The order was issued by one who is not the proper disciplining
24 authority;
25 b. The requirements under Article 222 are not present;
26 c. The order was issued without a formal charge or the same is
27 defective; and
28 d. The period of preventive suspension as imposed has exceeded the
29 prescribed periods.

30
31 **Article 251.** *Payment of Back Wages and Reinstatement in case of a*
32 *Void on its Face Order.* A declaration by the higher authority of the order of
33 preventive suspension as void on its face shall entitle the respondent to
34 immediate reinstatement and payment of back wages corresponding to the
35 period of the illegal preventive suspension without awaiting the outcome of the
36 main case.

37
38 A declaration of invalidity based on ground/s other than those
39 mentioned in the immediately preceding section shall result in the
40 reinstatement of the respondent but the payment of back wages shall be
41 subject to the final outcome of the main case. If he/she is exonerated or the
42 penalty imposed is only reprimand, he/she shall be entitled to back wages.
43 Otherwise, he/she shall not be entitled thereto.

1 Mere downgrading of the charge to a lesser offense does not amount to
2 exoneration and shall not entitle the respondent to payment of back wages.
3
4

5 **Chapter IX**
6 **FORMAL INVESTIGATION**
7

8 **Article 252. *Instances Required.*** A formal investigation shall only be
9 conducted when the merits of the case cannot be judiciously decided without
10 such investigation; or when the respondent elects to have one as expressed in
11 his/her answer. In all other cases, the parties shall be required instead to file
12 their respective verified position papers within a non-extendable period of ten
13 (10) days from receipt of the order to file the same and thereafter, the case shall
14 be deemed submitted for resolution.
15

16 **Article 253. *When to be Conducted.*** When a formal investigation has to
17 be conducted under the circumstances specified in the immediately preceding
18 section, the same shall be conducted within five (5) days from receipt of
19 respondent's answer or upon the expiration of the period to file answer and
20 shall be terminated after twenty (20) days from its commencement. Said period
21 of termination may be extended for another ten (10) days by the hearing officer
22 with notice to the proper disciplining authority in proper cases as specified in
23 the notice and which must not be due to the negligence of the hearing officer.
24

25 **Article 254. *How Conducted.*** The formal investigation shall commence
26 by conducting a pre-hearing conference for the parties to appear, consider and
27 agree on the following matters, to wit:
28

- 29 a. Stipulation of facts;
- 30 b. Simplification of issues;
- 31 c. Identification and marking of evidence;
- 32 d. Waiver of objections to admissibility of evidence;
- 33 e. Limitation on the number of witnesses;
- 34 f. Hearing dates;
- 35 g. Consideration of taking solemn oath in accordance with Article 236
36 of this Chapter;
- 37 h. Possibility of submitting the case for resolution by the disciplining
38 authority or his/her representative; and
- 39 i. Such other matters as may aid in the speedy and just resolution of
40 the case.
41

42 The agreement between the parties shall be reduced in writing and
43 signed by them or their authorized representatives in the presence of the
44 disciplining authority or his/her designated hearing officer/s. The same shall
45 be embodied in the pre-hearing order and shall be binding upon the parties.
46

1 The conduct of pre-hearing conference in cases where formal
2 investigation is required is mandatory for the hearing officer but the failure of
3 any party to attend such conference shall be sufficient ground to consider the
4 case submitted for resolution. Hence, the case shall be decided on the basis of
5 the records available.
6

7 **Article 255. *Continuous Hearing.*** Hearings shall be conducted on the
8 hearing dates agreed upon during the pre-hearing conference which shall not
9 be more than five (5) hearing days. No postponement shall be allowed except in
10 highly exceptional circumstances and upon a proper written motion filed by
11 any party at least three (3) days before the scheduled hearing to be postponed.
12 The parties are required to be present during the hearings and their absence
13 shall produce the same result as in the case of absence of any party during
14 pre-hearing conference. At any time before the resolution of the case, the
15 parties may agree in writing to submit the case for resolution by the
16 disciplining authority.
17

18 **Article 256. *Hearings, How Conducted.*** Hearings before any of the
19 proper disciplining authorities under this Book shall be conducted primarily for
20 the purpose of securing a just, speedy, and fair resolution of administrative
21 cases brought before it. They should not be conducted in such manner as to
22 put excessive burden on the parties thereby discouraging them to resort to
23 democratic processes. Taking these into account, hearings shall not be
24 conducted in a strictly adversarial or trial-type proceedings. It is sufficient for
25 the parties to be given ample opportunities to be heard and present their
26 witnesses and other evidence for the consideration of the hearing officer/s.
27

28 **Article 257. *Order of Hearing.*** The following order of hearing, when
29 applicable, may be observed:
30

- 31 a. The prosecution shall present its case without interruption or
32 interrogation from the respondent.
- 33 b. The respondent shall present his/her defenses. Cross-examination
34 is not allowed.
- 35 c. Both parties may submit their rebuttal and sur-rebuttal,
36 respectively.
37

38 When the presentation of the witnesses has been concluded, the parties
39 shall formally offer their evidence either orally or in writing and thereafter
40 objections thereto may also be made either orally or in writing. After which,
41 both parties may be given time to submit their respective memorandum which
42 in no case shall be beyond five (5) days after the termination of the
43 investigation. Failure to submit the same within the given period shall be
44 considered a waiver thereof.
45

1 **Article 258. *Objections, How Made.*** All objections raised during the
2 hearing shall be resolved by the hearing officer. However, objections that
3 cannot be ruled upon by the hearing officer shall be noted with the information
4 that the same shall be included in the memorandum of the concerned party to
5 be ruled upon by the proper disciplining authority.
6

7 The hearing officer shall admit all evidence formally offered subject to
8 the objection/s interposed against its admission.
9

10 **Article 259. *Marking of Evidence or Exhibits.*** All documentary evidence
11 or exhibits for the complainant shall be properly marked by letters (A,B,C, etc.)
12 with sub-markings in case of single document with several pages (A-1, A-2, A-
13 3, etc.). If presented by the respondent, it shall be marked by numbers (1, 2, 3)
14 with sub-markings in case of single but having several pages (1-A, 1-B, 1-C).
15 These shall form part of the complete records of the case.
16

17 **Article 260. *Issuance of Subpoena.*** The disciplining authority or his/her
18 authorized hearing officer has the power to issue subpoena *ad testificandum* to
19 compel attendance of witnesses or subpoena *duces tecum* for the production of
20 other evidence. The requesting party shall make the proper request for the
21 issuance thereof at least five (5) days before the scheduled hearing, copy
22 furnished the requested party or witness specifying the evidence to be
23 produced in case of the latter subpoena.
24

25 **Article 261. *Record of the Proceeding.*** All the proceedings during the
26 formal investigation must be duly recorded. This could be taken in shorthand,
27 stenotype or other means of recognized recording.
28

29 **Article 262. *Proof of Service.*** All pleadings and litigated motions allowed
30 under this Book filed by the parties shall be copy furnished the other party
31 with proof of service in the form of an affidavit. Those filed through registered
32 mail or private courier service shall be deemed filed on the date stamped on the
33 envelope or courier pack which shall be attached to the records of the case. In
34 case of personal service, it shall be evidenced by the date stamped on the
35 envelope or the document itself duly dated and signed by the receiving party.
36

37 **Article 263. *Formal Investigation Report.*** The hearing officer shall
38 submit a formal investigation report to the proper disciplining authority within
39 ten (10) days after the conclusion of the formal investigation. Said report shall
40 contain the following:
41

- 42 a. a narration of the material facts duly established during the
- 43 investigation;
- 44 b. the findings and the evidence supporting said findings;
- 45 c. his/her recommendation for appropriate action/s; and

1 d. a draft decision containing the said recommendation.
2

3 The complete records of the case shall be attached to the report and
4 shall be treated with confidentiality. Further, it shall contain a Table of
5 Contents for easy reference, systematically and chronologically arranged, paged
6 and securely bound to prevent loss.
7

8
9 **Chapter X**
10 **DECISION**
11

12 **Article 264.** *Period to Render Decision.* Within fifteen (15) days from
13 receipt, the proper disciplining authority shall evaluate the Formal
14 Investigation Report and render his/her decision. He/she may either affirm or
15 disregard the hearing officer's recommendation. In case of inaction within the
16 said period, the recommendation shall be deemed to be his/her decision. In all
17 cases, the parties shall be furnished copy of the decision or recommendation,
18 as the case may be, within ten (10) days.
19

20 **Article 265.** *Finality of Decisions.* Decisions shall become final after the
21 lapse of fifteen (15) days from receipt unless a motion for reconsideration is
22 seasonably filed in accordance with the succeeding Article. The same period
23 applies in case of decision dismissing the case.
24

25
26 **Chapter XI**
27 **MOTION FOR RECONSIDERATION**
28

29 **Article 266.** *Who May File.* The party adversely affected by the decision
30 may file a motion for reconsideration before the office of the disciplining
31 authority who rendered the decision within fifteen (15) days from receipt. The
32 phrase "adversely affected" shall, for purposes of this Book, include the private
33 complainant in case of a decision dismissing a case whether or not the case is
34 personal in nature.
35

36 **Article 267.** *Grounds.* A motion for reconsideration may be filed based
37 on any of the following grounds only, to wit:
38

- 39 a. Newly discovered evidence which materially affects the case;
40 b. The decision is not supported by evidence on record; or
41 c. Errors of law or irregularities have been committed which are
42 prejudicial to the interest of the movant.
43

44 **Article 268.** *Effect of Filing.* A motion for reconsideration seasonably
45 filed shall stay the execution of the decision sought to be reconsidered and

1 shall be disposed of by the disciplining authority within thirty (30) days.
2 Otherwise, the same shall be deemed denied. Only one motion is allowed. Any
3 succeeding motion shall not affect the running of the reglementary period to
4 appeal.

5
6
7 **Chapter XII**
8 **APPEAL**
9

10 **Article 269.** *Unappealable Decisions.* No appeal is available if the
11 decision involves any of the following:

- 12
13 a. Dismissal of the complaint;
14 b. A penalty of reprimand or suspension for not more than thirty (30)
15 days; or
16 c. A fine in an amount not exceeding thirty (30) days' salary, unless
17 the ground relied upon is violation of due process.
18

19 **Article 270.** *When Appeal is Available.* Decisions involving a penalty of
20 suspension for more than thirty (30) days or a fine in an amount exceeding
21 thirty (30) days' salary may be appealed by the respondent within fifteen (15)
22 days from receipt of the assailed decision.
23

24 **Article 271.** *Executory Judgements.* Decisions shall be executory
25 pending appeal unless a Temporary Restraining Order (TRO) is issued by the
26 proper authority. No motion for execution pending appeal shall be necessary.
27

28 **Article 272.** *Where to Appeal.* Decisions rendered by any Cabinet
29 Minister or Head of a GOCC shall be appealable to the Chief Minister.
30 Unfavorable Decision of the Chief Minister on the appeal emanating from the
31 Cabinet Minister or Head of a GOCC may be appealed to the Civil Service
32 Commission. If the Decision has been rendered by the Chief Minister, the same
33 shall be appealable to the Commission.
34

35 **Article 273.** *Appeal, When Perfected.* A party desiring to appeal a
36 decision shall file a Memorandum with the appellate authority, copy furnished
37 the disciplining authority, containing the following:

- 38
39 a. the grounds relied upon by him/her;
40 b. certified true copies of the assailed decision;
41 c. certified true copies of documentary evidences;
42 d. proof of service of the Memorandum to the disciplining authority;
43 e. proof of payment of the required fee, if any; and
44 f. a certification against forum shopping.
45

1 Failure to comply with any of the above requirements shall not be a
2 ground to dismiss the appeal. Instead, the disciplining authority shall require
3 the appellant to supply the deficiency within five (5) days from receipt of the
4 directive or order. If, despite such directive or order, the appellant failed to
5 comply, the appeal shall be dismissed with prejudice.
6

7 **Article 274.** *Transmittal of the Records.* Upon receipt of a copy of the
8 Memorandum furnished him/her by the appellant, the disciplining authority
9 shall transmit the complete records of the case together with its comment to
10 the appellate authority within ten (10) days. Said records must be
11 systematically arranged, paged and securely bound to prevent loss.
12

13
14 **Chapter XIII**
15 **ADMINISTRATIVE OFFENSES AND PENALTIES**
16

17 **Article 275.** *Classification of Offenses.* Administrative offenses are
18 classified into grave offenses, less grave offenses, or light offenses, depending
19 on the gravity or depravity and effects on the government service.
20

21 **Article 276.** *Grave Offenses.* The following are the grave offenses which
22 are punishable by dismissal:
23

- 24 1. Serious Dishonesty;
- 25 2. Gross Neglect of Duty;
- 26 3. Grave Misconduct;
- 27 4. Conviction of a Crime Involving Moral Turpitude;
- 28 5. Falsification of Official Document;
- 29 6. Physical or mental disorder or disability due to immoral or vicious
30 habits;
- 31 7. Receiving for personal use of a fee, gift, or other valuable thing in
32 the course of official duties or in connection therewith when such
33 fee, gift, or valuable thing is given by any person in the hope or
34 expectation of receiving a favor or better treatment than that
35 accorded to other persons, or committing acts punishable under the
36 anti-graft laws;
- 37 8. Contracting loans of money or other property from persons with
38 whom the office or employee has business relations;
- 39 9. Soliciting or accepting, directly or indirectly, any gift, gratuity, favor,
40 entertainment, loan or anything of monetary value in the course of
41 one's official duties or in connection with any operation being
42 regulated by, or any transaction which may be affected by the
43 functions of one's office. The propriety of the foregoing shall be
44 determined by its value, kinship, or relationship between giver and
45 receiver and the motivation. A thing of monetary value is one which
46 is evidently or manifestly excessive by its very nature;

10. Nepotism; and
11. Disloyalty to the Republic of the Philippines, including the Bangsamoro Autonomous Region in Muslim Mindanao; and to the Filipino people, including the Bangsamoro people.

The following grave offenses are punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:

1. Less Serious Dishonesty;
2. Oppression;
3. Disgraceful and Immoral Conduct;
4. Inefficiency and Incompetence in the Performance of Official Duties. However, the guilty person may instead be punished by Demotion in which case he shall suffer diminution in salary corresponding to the next lower in degree with the same salary step;
5. Habitual Absenteeism;
6. Habitual Tardiness Causing Prejudice to the Operations of the Office;
7. Loafing from Duty During Regular Office Hours;
8. Refusal to Perform Official Duty;
9. Gross Insubordination;
10. Conduct Prejudicial to the Best Interest of the Service;
11. Directly or indirectly having financial and material interest in any transaction requiring the approval of one's office. Financial and material interest is defined as pecuniary or proprietary interest to which a person will gain or lose something;
12. Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by one's office, unless expressly allowed by law;
13. Disclosing or misusing confidential or classified information officially known by reason of one's office and not made available to the public, to further his private interests or give undue advantage to anyone, to the prejudice of the public interest;
14. Obtaining or using any statement filed under the Code of Conduct and Ethical Standards for Public Officials and Employees for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public; and
15. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with one's office, unless such recommendation or referral is mandated by law or international agreements, commitment and obligation; or as part of the function of one's office.

1 **Article 277. *Less Grave Offenses.*** The following less grave offenses are
2 punishable by suspension of one (1) month and one (1) day to six (6) months
3 for the first offense; and dismissal from the service for the second offense:
4

- 5 1. Simple Neglect of Duty;
- 6 2. Simple Misconduct;
- 7 3. Discourtesy in the Course of Official Duty;
- 8 4. Violation of Existing Civil Service Law or Rules of Serious Nature;
- 9 5. Insubordination;
- 10 6. Habitual Drunkenness;
- 11 7. Unfair discrimination in rendering public service due to party
12 affiliation or preference;
- 13 8. Failure to file sworn statements of assets, liabilities and net worth
14 (SALN), and disclosure of business interest and financial
15 connections including those of one's spouse and unmarried children
16 under eighteen (18) years of age living in one's household;
- 17 9. Failure to resign from one's position within thirty (30) days, or to
18 divest oneself of one's shareholdings or interest within sixty (60)
19 days, in the private business enterprise from assumption of public
20 office when there is conflict of interest. If such conflict arises only
21 while one is already in the service, the counting of the periods
22 mentioned shall commence from the moment the conflict arises or
23 becomes known or should have known to the concerned employee or
24 official; and
- 25 10. Engaging directly or indirectly in partisan political activities by one
26 holding non-political office.

27
28 The less grave offense of Simple Dishonesty is punishable by
29 suspension of one (1) month and one (1) day to six (6) months for the first
30 offense; six (6) months and one (1) day to one (1) year for the second offense;
31 and dismissal from the service for the third offense.
32

33 **Article 278. *Light Offenses.*** The following light offenses are punishable
34 by reprimand for the first offense; suspension of one (1) to thirty (30) days for
35 the second offense; and dismissal from the service for the third offense:
36

- 37 1. Simple Discourtesy in the Course of Official Duty;
- 38 2. Improper or unauthorized solicitation of contributions from
39 subordinate employees and in the case of teachers or school officials
40 from school children;
- 41 3. Violation of Reasonable Office Rules and Regulations;
- 42 4. Habitual Tardiness;
- 43 5. Gambling Prohibited by Law;
- 44 6. Refusal to Render Overtime Service;
- 45 7. Disgraceful, Immoral or Dishonest Conduct Prior to Entering the
46 Service;

- 1 8. Borrowing Money by Superior Officers from Subordinates;
- 2 9. Willful failure to pay just debts or to pay taxes due the government.
- 3 Just debts shall be understood to be limited to claims adjudicated by
- 4 a court of law, or the existence of which are admitted by the debtor;
- 5 10. Lobbying for personal interest or gain in legislative halls and offices
- 6 without authority;
- 7 11. Promoting the sale of tickets in behalf of private enterprises.
- 8 However, if the tickets are intended for charitable or public welfare
- 9 purposes, the same may be allowed provided there is prior authority;
- 10 12. Failure to act promptly on letters and request within fifteen (15)
- 11 working days from receipt in accordance with Section 3, Rule VI of
- 12 the Rules Implementing the Code of Conduct and Ethical Standards
- 13 for Public Officials and Employees (R.A. No 6713);
- 14 13. Failure to process documents and complete action on documents
- 15 and papers within a reasonable time from preparation thereof in
- 16 accordance with Section 4, Rule VI of the above-mentioned
- 17 implementing rules;
- 18 14. Failure to attend to anyone who wants to avail himself/herself of
- 19 the services of the office, or act promptly and expeditiously on public
- 20 transactions;
- 21 15. Unauthorized Private Practice of One's Profession; and
- 22 16. Pursuit of private business or vocation without the permission
- 23 required by civil service rules and regulations.
- 24

25 **Article 279. Other Specific Offenses.** Republic Act No. 9485 or the Anti-
26 Red Tape Act of 2007 provides for the following:

- 27
- 28 I. Grave Offense: Fixing and/or collusion with fixers in consideration
- 29 of economic and/or other gain or advantage shall be penalized by
- 30 Dismissal and Perpetual Disqualification from Public Service;
- 31
- 32 II. Light Offenses: the following are light offenses:
- 33
- 34 a. Refusal to accept application and/or request within the
- 35 prescribed period or any document being submitted by a client;
- 36 b. Failure to act on an application and/or request or failure to
- 37 refer back to the client a request which cannot be acted upon
- 38 due to lack of requirements within the prescribed period;
- 39 c. Failure to attend to clients who are within the premises of the
- 40 office or agency concerned prior to the end of official working
- 41 hours and during lunch break;
- 42 d. Failure to render frontline services within the prescribed period
- 43 on any application and/or request without due cause;
- 44 e. Failure to give the client a written notice on the disapproval of
- 45 an application or request; and

1 f. Imposition of additional irrelevant requirements other than
2 those listed in the first notice.

3
4 The foregoing light offenses shall be penalized as follows:

5
6 First Offense: Thirty (30) days suspension without pay and
7 mandatory attendance in Values Orientation Program;

8
9 Second Offense: Three (3) months suspension without pay;

10
11 Third Offense: Dismissal and Perpetual Disqualification from
12 Public Service.

13
14
15 **Chapter XIV**
16 **PENALTY OF FINE**

17
18 **Article 280.** *When Penalty of Fine Allowed.* The disciplining authority
19 may allow payment of fine in lieu of suspension if any of the following
20 circumstances is present:

- 21
22 a. When the function/nature of the office is impressed with national
23 interest such as those involved in maintenance of peace and order,
24 health and safety, and education;
- 25 b. When the respondent is actually discharging frontline functions or
26 those directly dealing with the public and the human resource
27 complement of the office is insufficient to perform such function;
- 28 c. When the respondent committed the offense without utilizing or
29 abusing the powers of his/her position or office; or
- 30 d. When the respondent has already retired or otherwise separated
31 from government service and the penalty of suspension could not be
32 served anymore, the fine may be sourced from the accumulated
33 leave credits or whatever benefits due the respondent.

34
35 **Article 281.** *When Available.* The payment of penalty of fine in lieu of
36 suspension shall be available in Grave, Less Grave and Light Offenses where
37 the penalty imposed is for six (6) months or less at the ratio of one (1) day of
38 suspension from the service to one (1) day salary fine; *Provided,* that in Grave
39 Offenses where the penalty imposed is six (6) months and one (1) day of
40 suspension in view of the presence of mitigating circumstance, the conversion
41 shall only apply to the suspension of six (6) months. Nonetheless, the
42 remaining one (1) day suspension is deemed included therein.

43
44 **Article 282.** *Period to Pay the Fine; Effect of Failure to Pay.* The
45 maximum period to pay the fine shall not exceed one (1) year from the time the
46 decision/resolution becomes final and executory. The conversion of suspension

1 into fine shall render the decision final and executory and, therefore, not
2 subject of appeal or any other similar relief. The failure of the respondent to
3 pay the fine or part thereof shall cause the reversion to the original penalty of
4 suspension. As such, respondent shall serve the original penalty of suspension
5 imposed, irrespective of the amount already paid.
6

7 **Article 283.** *Schedule of Fine in Installment.* Fine may be paid in equal
8 monthly installments subject to the following schedule of payment prescribed
9 below:

- 10 a. Fine equivalent to one (1) month salary shall be paid within two (2)
11 months;
- 12 b. Fine equivalent to two (2) month salary shall be paid within four (4)
13 months;
- 14 c. Fine equivalent to three (3) month salary shall be paid within six (6)
15 months;
- 16 d. Fine equivalent to four (4) month salary shall be paid within eight (8)
17 months;
- 18 e. Fine equivalent to five (5) month salary shall be paid within ten (10)
19 months; and
- 20 f. Fine equivalent to six (6) month salary shall be paid within twelve
21 (12) months;

22
23 **Article 284.** *Where to be Paid.* The fine shall be paid to the agency
24 imposing the same, computed on the basis of respondent's salary at the time
25 the decision becomes final and executory.
26

27
28 **Chapter XV**
29 **GUIDELINES ON THE IMPOSITION OF PENALTIES**
30

31 **Article 285.** *Mitigating and Aggravating Circumstances.* Except for
32 offenses punishable by dismissal from the service, the following may be
33 appreciated either as mitigating or aggravating circumstances in the
34 determination of the penalties to be imposed:

- 35 a. Physical illness;
- 36 b. Malice;
- 37 c. Time and place of offense;
- 38 d. Taking undue advantage of official position;
- 39 e. Taking undue advantage of subordinate;
- 40

- 1 f. Undue disclosure of confidential information;
- 2 g. Use of government property in the commission of the offense;
- 3 h. Habituality;
- 4 i. Offense is committed during office hours and within the premises of
- 5 the office or building;
- 6 j. Employment of fraudulent means to commit or conceal the offense;
- 7 k. First offense;
- 8 l. Education;
- 9 m. Length of service; or
- 10 n. Other analogous circumstances.

11 In the appreciation thereof, the same must be invoked or pleaded by the
12 respondent, otherwise, said circumstances will not be considered in the
13 imposition of the proper penalty. The disciplining authority, however, in the
14 interest of substantial justice, may take and consider these circumstances
15 *motu proprio*.

16
17 **Article 286.** *Manner of Imposition.* When applicable, the imposition of
18 the penalty shall be made in accordance with the manner provided herein
19 below:

- 20
- 21 a. The minimum of the penalty shall be imposed where only mitigating
- 22 and no aggravating circumstances are present;
- 23 b. The medium of the penalty shall be imposed where no mitigating
- 24 and aggravating circumstances are present; and
- 25 c. The maximum of the penalty shall be imposed where only
- 26 aggravating and no mitigating circumstances are present.
- 27

28 Where aggravating and mitigating circumstance are present, paragraph
29 [a] shall be applied when there are more mitigating circumstances present;
30 paragraph [b] shall be applied when the circumstances equally offset each
31 other; and paragraph [c] shall be applied when there are more aggravating
32 circumstances.

33
34 **Article 287.** *Medium Period of Divisible Penalty.* The following divisible
35 penalties shall have their medium range of penalty, to wit:

- 36
- 37 a. Penalty of suspension ranging from one (1) month and one (1) day to
- 38 six (6) months shall have three (3) months as its medium penalty;
- 39 and

- 1 b. Penalty of suspension ranging from six (6) months and one (1) day
2 to one (1) year shall have nine (9) months as its medium penalty.
3

4 **Article 288.** *Penalty for Multiple Offenses.* If the respondent is found
5 guilty of two (2) or more different offenses, the penalty to be imposed should be
6 that corresponding to the most serious offense and the rest shall be considered
7 as aggravating circumstances. In case the respondent is found guilty of two or
8 more counts of the same offense, the penalty shall be imposed in the maximum
9 regardless of the presence of any mitigating circumstance.

10
11 **Article 289.** *Duration and Effect of Administrative Penalties.* The
12 following shall govern the imposition of administrative penalties:
13

- 14 a. The penalty of dismissal shall result in the permanent separation of
15 the respondent from the service, without prejudice to criminal or
16 civil liability;
17 b. The penalty of demotion shall result in diminution of salary
18 corresponding to the next lower salary grade with the same salary
19 step;
20 c. The penalty of suspension shall result in the temporary cessation of
21 work for a period not exceeding one (1) year. Suspension of one day
22 or more shall be considered a gap in the continuity of service.
23 During the period of suspension, respondent shall not be entitled to
24 all monetary benefits including leave credits;
25 d. The penalty of fine shall be in an amount not exceeding six (6)
26 month salary of respondent. The computation thereof shall be based
27 on the salary rate of the respondent when the decision becomes final
28 and executory; and
29 e. The penalty of reprimand is an official rebuke against a person's
30 behavior which does not carry any accessory penalty or result in the
31 temporary cessation of work. In the event the penalty of reprimand
32 was imposed on appeal as a result of modification of the penalty of
33 suspension or dismissal from service, the respondent shall be
34 entitled to the payment of back wages and other benefits which
35 would have accrued during the period of the suspension or
36 dismissal.
37

38 **Article 290.** *Accessory Penalties.* The following are the accessory
39 penalties in administrative cases:
40

- 41 a. The penalty of dismissal shall carry with it cancellation of eligibility;
42 perpetual disqualification from holding public office; ban from
43 taking civil service examinations; and forfeiture of retirement
44 benefits. However, terminal leave benefits and personal
45 contributions to Government Service Insurance System (GSIS),
46 Retirement and Benefits Administration Service (RBAS) or other

1 equivalent retirement benefits system shall not be subject to
2 forfeiture.

- 3 b. The penalty of demotion shall carry with it disqualification from
4 promotion for one (1) year.
- 5 c. The penalty of suspension shall carry with it disqualification from
6 promotion corresponding to the period of suspension.
- 7 d. The penalty of fine shall carry with it disqualification from
8 promotion for the same period the respondent is fined.
- 9 e. The penalty of reprimand shall not carry with it any accessory
10 penalties.
- 11 f. A warning or admonition shall not be considered a penalty.

12
13 **Article 291.** *Effects of Exoneration on Certain Penalties.* The decision for
14 exoneration shall have the following consequences:

- 15 a. In case the penalty imposed is fine, the same shall be refunded;
- 16 b. In case of demotion, the respondent shall be entitled to restoration
17 of former salary grade with the same salary step and payment of
18 salary differentials during the period the demotion was imposed;
- 19 c. In case the penalty imposed is suspension, the respondent shall
20 immediately be reinstated to former post without loss of seniority
21 rights and with payment of back wages and all benefits which would
22 have accrued had the respondent not been illegally suspended;
- 23 d. In case the penalty imposed is dismissal, the respondent shall
24 immediately be reinstated without loss of seniority rights and with
25 payment of back wages and all benefits which would have accrued
26 had the respondent not been illegally suspended;
- 27 e. The respondent who is exonerated on appeal shall be entitled to the
28 leave credits for the period he/she had been out of the service.
29
30
31

32 **Chapter XVI** 33 **SETTLEMENT IN ADMINISTRATIVE CASES** 34

35 **Article 292.** *When Applicable.* In general, administrative cases are not
36 subject to settlement. However, settlement of offenses may be considered in
37 cases of light offenses where the act is purely personal on the part of the
38 private complainant and the person complained of and there is no apparent
39 injury committed to the government. However, no settlement is allowed for the
40 second offense of the same act committed by the person complained of.
41

42 **Article 293.** *Motu Proprio Determination of Applicability.* Upon filing of
43 the complaint, the disciplining authority or its authorized representative shall
44 determine *motu proprio* whether the offense can be the subject of settlement. If
45 it is in the affirmative, the person complained of shall be required to comment
46 and indicate therein whether he/she is willing to submit the case for

1 settlement. If he/she opts for settlement, the disciplining authority or its
2 authorized representative shall issue an order requiring the appearance of the
3 parties.
4

5 The person complained of may move for the settlement of the complaint
6 at any time before the issuance of a formal charge.
7

8 **Article 294. *Compromise Agreement.*** If settlement between the parties
9 succeeds, a compromise agreement shall be executed between the parties and
10 attested by the disciplining authority. It shall be binding on the parties and
11 cannot be impugned by them unless the appellate authority, upon proper
12 motion or in a separate action, declared to be invalid as there was duress or
13 fraud in its execution.
14

15 **Article 295. *Decision Based on a Compromise Agreement.*** After the
16 execution of the compromise agreement, the disciplining authority shall render
17 decision on the basis thereof specifying, among others, the terms or conditions
18 agreed upon by the parties as well as the provisional dismissal of the complaint
19 in proper cases. The case may be reopened for investigation in case of non-
20 compliance with any of the agreed terms or conditions by the person
21 complained of.
22

23 **Article 296. *When No Settlement is Reached.*** If efforts to reach a
24 settlement between the parties fail, the disciplining authority or its authorized
25 representative shall issue an order terminating the process and, thereafter,
26 proceed with the investigation of the case.
27
28
29

30 **Chapter XVII**

31 **BACK WAGES AND OTHER SIMILAR BENEFITS**

32

33 **Article 297. *Who are Entitled.*** An illegally dismissed or suspended
34 official or employee who is exonerated/reprimanded and ordered reinstated in
35 the service, and a respondent placed under preventive suspension, whose order
36 of suspension was declared by the higher authority as invalid, shall be entitled
37 to payment of back wages and other similar benefits.
38

39 **Article 298. *What Are Included.*** The following are the benefits included
40 in the scope of back wages:
41

- 42 a. Salaries from the time the official or employee was illegally
43 dismissed/suspended up to the time of actual reinstatement;
- 44 b. Representation and Transportation Allowance (RATA) as provided
45 under existing rules;

- 1 c. Personnel Economic Relief Allowance/Additional Compensation
- 2 Allowance (PERA/ACA);
- 3 d. Restoration of Leave Credits;
- 4 e. Loyalty Award;
- 5 f. Anniversary Bonus;
- 6 g. 13th, 14th month Pay and Cash Gift;
- 7 h. Uniform/Clothing Allowance;
- 8 i. Performance-based Bonus; and
- 9 j. Other similar benefits given to regular employees by the ministry or
- 10 office.
- 11

12 **Article 299. Guidelines.** The following are the guidelines on the
13 payment of back wages and other similar benefits to an illegally dismissed or
14 suspended employee:

- 15
- 16 a. The payment of back wages should be computed based on the rate
- 17 of salary grade/job grade/pay level/pay grade of the respondent at
- 18 the time of dismissal or suspension including the increases in
- 19 salary, allowances and other emoluments that may occur during the
- 20 period the employee was prevented from rendering service.
- 21
- 22 b. For entitlement to RATA, subject to existing rules and regulations,
- 23 the requirement of actual performance of duty to an illegally
- 24 dismissed or suspended respondent is dispensed with since it is
- 25 unreasonable to expect or demand performance of his/her functions
- 26 when the circumstances prevent one from doing so.
- 27
- 28 c. The restoration of leave credits shall be subject to annual
- 29 deductions of five (5) days Forced Leave/Mandatory Leave as
- 30 required under the Omnibus Rules on Leave.
- 31
- 32 d. For purposes of Loyalty Award given to all officials and employees in
- 33 the government who have rendered at least ten (10) years of
- 34 continuous service and satisfactory service in the government
- 35 pursuant to CSC Memorandum Circular No. 6, series of 2002, the
- 36 period under which the respondent was illegally dismissed or
- 37 suspended should not be considered as a gap in the service.
- 38
- 39 e. Anniversary Bonus is given during milestone years. A milestone year
- 40 refers to the 15th anniversary and every fifth year thereafter.
- 41 Respondents who have been illegally dismissed or suspended during
- 42 the milestone years shall be entitled to the payment of Anniversary
- 43 Bonus.
- 44
- 45 f. The 13th/14th Month Pay plus Cash Gift under existing laws or as
- 46 may be provided in the Annual Appropriations Law (AAL) shall be

1 granted to each qualified official or employee which is equivalent to
2 one (1) month basic salary.

3
4 g. Uniform or clothing allowance refers to the amount granted per year
5 to each qualified official or employee as may be provided in the AAL.
6

7 h. Bonuses based on performance shall be given on the basis of the
8 rating of the employee prior to one's illegal dismissal or suspension
9 from the service.

10
11 **Article 300.** *Allowable Deductions.* The payment of back wages shall be
12 subject to withholding tax, GSIS Premium, PhilHealth and HDMF Fund
13 contributions, and other monthly dues/deductions as may be validly imposed
14 by the ministry or office under the law or rules. Payment of 13th/14th Month
15 Pay, Cash Gift, Anniversary Bonus, and other additional bonus given by the
16 ministry or office which exceeds the ceiling tax exemption shall also be subject
17 to withholding tax.
18
19
20
21

22 **TRANSITORY PROVISIONS**

23
24 **Article 301.** *Special Provision on Temporary Appointments for*
25 *Mujahideen.* Mujahideen may be hired as temporary appointees for first level
26 plantilla positions (Salary Grades 9 and below) of the Bangsamoro Government
27 regardless of the presence of applicants who are civil service eligibles. Provided
28 that not more than thirty percent (30%) of the total number of first level
29 plantilla positions of the Bangsamoro Government shall be allocated to them.
30

31 The appointments under this provision shall be for the period of
32 transition of the Bangsamoro Government without need of renewal every twelve
33 (12) months. However, if the appointee has possessed the required eligibility
34 within that period, he shall be qualified for permanent appointment to said
35 position subject to performance appraisal and without prejudice to the
36 discretion of the appointing authority.
37

38 During the transition period, it shall be the responsibility of the central
39 committees of the Moro Islamic Liberation Front (MILF) and the Moro National
40 Liberation Front (MNLF) to determine the Mujahideen in the roster of their
41 organic members who shall be considered for hiring under this provision. The
42 hiring should be within the transition period.
43

44
45 **Article 302.** *Provisions for More Stringent Standards.* Nothing in this
46 Code shall be construed to derogate from any law, or any regulation prescribed

1 by any body or agency, which provides for more stringent standards for its
2 official and employees.

3
4 **Article 303.** *Revised Agency Merit Selection Plan.* Agencies shall submit
5 to the CSC-BARMM for approval of the revised Agency Merit Selection Plan in
6 accordance with the 2017 Omnibus Rules on Appointments and Other Human
7 Resource Action within six (6) months from date of the effectivity of said Code.
8 The rules provided herein shall be used as bases in the issuance of
9 appointments and attestation thereof should the agency fail to submit the
10 revised Bangsamoro Merit Selection Plan within said period.

11
12 **Article 304.** *Placement Process during Transition Period.* The institution
13 of a placement process for hiring of personnel during transition period
14 including the constitution of interim Bangsamoro Placement and Selection
15 Boards shall be based on the approved Transition Plan.

16
17 **Article 305.** *Separability of Provisions.* If any part, section or provision
18 of this Code shall be held invalid or unconstitutional, no other part, section or
19 provision thereof shall be affected thereby.

20
21 **Article 306.** *Repealing Clause.* All laws and issuances pertaining to civil
22 service passed by the ARMM Regional Legislative Assembly are deemed
23 repealed.

24
25 **Article 307.** *Effectivity.* This Code shall take effect after fifteen (15) days
26 following its complete publication in at least one (1) newspaper of general
27 circulation in the Bangsamoro Autonomous Region in Muslim Mindanao
28 (BARMM).

29
30
31
32
33 **ATTY. PANGALIAN M. BALINDONG**
34 Speaker of the Parliament

35
36
37
38 This Act was finally passed into law on _____, 2020
39 Gregorian Calendar and _____th day of _____, 1441, Hijra Calendar.

40
41
42
43 **RABY ANGKAL**
44 Secretary General

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3
4

AHOD BALAWAG EBRAHIM
Interim Chief Minister