

1 Republic of the Philippines
2 Bangsamoro Autonomous Region in Muslim Mindanao
3 **BANGSAMORO TRANSITION AUTHORITY**
4 Cotabato City
5
6

7 BTA Parliament Bill No. 59
8

9
10 Introduced by : <<Name>>
11

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 Parliament
18 assembled, as follows:
19

20
21 **BOOK I**
22 **PRELIMINARY TITLE**
23
24 **Chapter I**
25 **GENERAL PROVISIONS**
26

27 **Article 1.** *Title.* This Code shall be known as the Bangsamoro Civil
28 Service Code of 2020.
29

30 **Article 2.** *Basis.* Section 2 (i), Article II of Republic Act 11054 otherwise
31 known as the Organic Law for the Bangsamoro Autonomous Region in Muslim
32 Mindanao provides that the Bangsamoro Government shall exercise its authority
33 over the civil service without prejudice to the general supervision of the President
34 of the Republic of the Philippines.
35

36 For this purpose, Section 39, Article VII of the Organic Law mandates that
37 the Bangsamoro Government shall enact a Civil Service Law, provided that it
38 shall be in accordance with existing national laws. In case of conflict with the
39 national laws, the Constitution and existing national civil service laws, rules,
40 and regulations shall prevail.
41

42 **Article 3.** *Purpose.* This Code is enacted to govern the conduct of civil
43 servants, prescribe qualifications for non-elective positions, adopt an
44 independent and credible merit and fitness system, protect civil service eligibles
45 in various government positions, including government-owned and controlled

1 corporations with original charters in the Bangsamoro Autonomous Region, and
2 provide rules on disciplinary authority over the Bangsamoro Government's
3 officials and employees.

4
5 **Article 4.** *Declaration of Policy.* It is the policy of the Bangsamoro
6 Government to:

- 7
8 a) Ensure and promote that appointments in the civil service are made with
9 equality according to merit and fitness, and shall consider gender and
10 ethnic balance;
11
12 b) Provide within the public service a progressive system of human resource
13 administration; and
14
15 c) Adopt measures to promote morale and the highest degree of
16 responsibility, morality, integrity, loyalty, efficiency, and professionalism
17 in the civil service.

18
19 It shall take cognizance of the aspirations of the Bangsamoro people and
20 other inhabitants in the Bangsamoro Autonomous Region to chart a responsive,
21 effective and efficient bureaucracy that will allow genuine and meaningful self-
22 governance, and to establish an enduring peace on the basis of justice and
23 balanced society, reflective of their system of life.

24
25 There shall be no discrimination on employment opportunities on account
26 of age, religion, culture, ethnicity, gender, disability, or political affiliation.

27
28 **Article 5.** *Nature of Public Office.* Public office is a public trust and a
29 moral responsibility. Public officers and employees shall serve with the highest
30 degree of responsibility, morality, integrity, loyalty, and efficiency, and shall
31 remain accountable to the people and to God.

32
33 **Article 6.** *Definition of Terms.* As used in this Code, the following terms
34 shall be construed as follows:

35
36 a. "Agency" means any ministry, bureau, office, commission,
37 administration, board, committee, institute, corporation, whether
38 performing governmental or proprietary function, or any other unit of the
39 Bangsamoro Autonomous Government, as well as provincial, city or
40 municipal government, except as hereinafter otherwise provided.

41
42 b. "Bangsamoro" refers to those who, at the advent of the Spanish
43 colonization, were considered natives or original inhabitants of Mindanao
44 and the Sulu archipelago and its adjacent islands, whether of mixed or
45 full blood.

1 c. “Bangsamoro Government” refers to the corporate governmental entity
2 with all the powers granted to it by the Constitution, Bangsamoro Organic
3 Law and other statutes, as well as those necessary for, or incidental to,
4 the governance of the Bangsamoro Autonomous Region in Muslim
5 Mindanao, including the Bangsamoro Parliament, Bangsamoro
6 Government of the Day, and various instrumentalities through which
7 political authority is exercised.

8
9 d. “Bangsamoro Mufti” refers to the head of the Bangsamoro *Darul-Ifta’*
10 as appointed by the Chief Minister of the Bangsamoro Autonomous
11 Region in Muslim Mindanao in accordance with the provisions of the
12 Bangsamoro Administrative Code.

13
14 e. “Bona Fide Resident” refers to a qualified applicant who is, prior to
15 appointment, a resident for a period of at least six months of a particular
16 barangay, municipality, city, or province.

17
18 f. “Chief Minister” refers to the head of the Bangsamoro Government
19 elected by a majority vote of the Members of the Parliament.

20
21 g. “Civil Servant” refers to appointive public officials and employees in the
22 Bangsamoro Government, regardless of the nature of appointment,
23 whether in the career or non-career service.

24
25 h. “Civil Service” embraces all branches, subdivisions, instrumentalities,
26 ministries, offices and agencies of the Bangsamoro Government including
27 government-owned or controlled corporations with original charter in the
28 Bangsamoro Autonomous Region.

29
30 i. “Civil Service Commission for the Bangsamoro Autonomous Region in
31 Muslim Mindanao (CSC for BARMM)” refers to the Civil Service
32 Commission regional field office to include other field offices as provided
33 under Section 39, Article VII of R.A. No. 11054 and CSC MC No. 03, series
34 of 2020.

35
36 j. “Commission” refers to the Civil Service Commission as the central
37 human resource agency of the Philippine Government.

38
39 k. “Eligible” refers to a person who obtains a passing grade in a civil
40 service examination or is granted a civil service eligibility and whose name
41 is entered in the register of eligibles in the Civil Service Commission.

42
43 l. “Examination” refers to a civil service examination conducted by the
44 Civil Service Commission.

1 m. "Gift" refers to a thing or a right to dispose of gratuitously, or any act
2 or liberality, in favor of another who accepts it, and shall include a
3 simulated sale or an ostensibly onerous disposition thereof.
4

5 n. "Government Service" refers to the process or transaction between
6 applicants or requesting parties and government offices or agencies
7 involving applications for any privilege, right, reward, license, clearance,
8 permit or authorization, concession, or for any modification, renewal or
9 extension of the enumerated applications or requests which are acted
10 upon in the ordinary course of business of the agency or office concerned.
11

12 o. "Highly Technical Position" refers to a position which requires the use
13 of technical knowledge, specialized skills and/or training.
14

15 p. "Madaris Education" refers to the recognized types or category of
16 Madrasah in the BARMM such as Traditional Madrasah, Formal
17 Madrasah, and Standard Private Madrasah as may be defined by the
18 Bangsamoro Education Code.
19

20 q. "Ministry" refers to a cabinet portfolio in the Bangsamoro Government
21 exercising executive authority, created by the Bangsamoro Organic Law
22 and those that may be created by law passed by the Parliament.
23

24 r. "Moral Governance" refers to the set of rules, practices, and processes
25 completely devoid of all evils of graft and corruption, and explicitly driven
26 by the moral principles of utmost dedication, devotion, honesty, justice,
27 and integrity.
28

29 s. "Mujahideen/Mujahidat" refers to the legitimate members (men and
30 women), of the Moro Islamic Liberation Front (MILF) and the Moro
31 National Liberation Front (MNLF) duly certified by the Chairman of their
32 respective central committees.
33

34 t. "Senior Deputy Chief Minister" refers to one of the deputies of the Chief
35 Minister who is senior in age.
36
37

38 **Chapter II**

39 **SCOPE OF THE BANGSAMORO CIVIL SERVICE**

40

41 **Article 7.** *Bangsamoro Civil Service.* The Bangsamoro Civil Service
42 embraces all public positions in the Parliament, Cabinet, and every agency,
43 subdivision, and instrumentality of the Bangsamoro Government, including
44 government-owned or controlled corporations with original charters.
45

1 **Article 8. Classification of Positions.** Positions in the Bangsamoro Civil
2 Service shall be classified into career service and non-career service as defined
3 by existing civil service laws, rules and regulations.
4

5 **Article 9. Career Service.** The Bangsamoro Career Service shall be
6 characterized by (1) entrance based on merit and fitness to be determined as far
7 as practicable by competitive examinations, but does not apply to appointments
8 to positions which are policy determining, primarily confidential, or highly
9 technical; (2) opportunity for advancement to higher career positions; and (3)
10 security of tenure.

11
12 The Bangsamoro Career Service shall include:

- 13
14 1. Open Career positions for appointment to which prior qualification in
15 an appropriate examination is required;
- 16
17 2. Closed Career positions which are scientific or highly technical in
18 nature; these include the faculty and academic staff of state colleges
19 and universities, and scientific and technical positions in scientific or
20 research institutions which shall establish and maintain their own
21 merit systems;
- 22
23 3. Other positions in the Bangsamoro Autonomous Region in Muslim
24 Mindanao (BARMM). These include Bangsamoro Director General and
25 other positions that may be created by the Bangsamoro Parliament;
- 26
27 4. Personnel of government-owned or controlled corporations, whether
28 performing governmental or proprietary functions, who do not fall
29 under the non-career service; and,
- 30
31 5. Permanent laborers, whether skilled, semi-skilled, or unskilled.

32
33 **Article 10. Classes of Positions in the Career Service.** (1) Classes of
34 positions in the career service, appointment to which requires examinations
35 shall be grouped into three major levels as follows:
36

- 37 (a) The first level shall include clerical, trades, crafts, and custodial service
38 positions which involve non-professional or sub-professional work in a
39 non-supervisory or supervisory capacity requiring less than four years
40 of collegiate studies;
- 41
42 (b) The second level shall include professional, technical and scientific
43 positions which involve professional, technical or scientific work in a
44 non-supervisory or supervisory capacity requiring at least four years of
45 college work up to Division Chief level; and
46

1 (c) Second level positions performing executive/managerial functions.

2
3 (2) Except as herein otherwise provided, entrance to the first two levels shall be
4 through competitive examinations, which shall be open to those inside and
5 outside the service who meet the minimum qualification requirements. Entrance
6 to a higher level does not require previous qualification in the lower level.

7
8 (3) Within the same level, no civil service examination shall be required for
9 promotion to a higher position in one or more related occupational groups. A
10 candidate for promotion should, however, have previously passed the
11 examination for that level.

12
13 **Article 11. Non-Career Service.** The Bangsamoro Non-Career Service shall
14 be characterized by (1) entrance on bases other than those of the usual tests of
15 merit and fitness utilized for the career service; and (2) tenure which is limited
16 to a period specified by law, or which is coterminous with that of the appointing
17 authority or subject to his pleasure, or which is limited to the duration of a
18 particular project for which purpose employment was made.

19
20 The Bangsamoro Non-Career Service shall include:

- 21 1. Elective officials, interim officials of the Bangsamoro Transition
22 Authority and their personal or confidential staff;
 - 23 2. Ministers and other officials of cabinet rank who hold positions at the
24 pleasure of the Chief Minister and their personal or confidential staff;
 - 25 3. Chairpersons and members of commissions and boards with fixed
26 terms of office and their personal or confidential staff;
 - 27 4. Contractual personnel or those whose employment in the
28 Bangsamoro Autonomous Government is in accordance with a special
29 contract to undertake a specific work or job, requiring special or
30 technical skills not available in the employing agency, to be
31 accomplished within a specific period, which in no case shall exceed
32 one year, and performs or accomplishes the specific work or job,
33 under his own responsibility with a minimum of direction and
34 supervision from the hiring agency;
 - 35 5. Positions which are policy determining or primarily confidential; and
 - 36 6. Emergency and seasonal personnel.
- 37
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45 **Chapter III**
46 **HUMAN RESOURCE POLICIES AND STANDARDS**

1
2 **Article 12. Recruitment and Selection.** Opportunity for government
3 employment shall be open to all qualified citizens. Preference shall be given to
4 Bangsamoro bona fide residents of the locality where the employment is situated.
5 Positive efforts shall be exerted to attract the best qualified residents of the
6 Bangsamoro Autonomous region to enter the service. Employees shall be
7 selected on the basis of fitness to perform the duties and assume the
8 responsibilities of the positions.

9
10 **Article 13. Vacancy.** When a vacancy occurs in a position in the first
11 level of the Career Service as defined in this Code, the employees in the ministry,
12 office or agency who occupy the next lower positions in the occupational group
13 under which the vacant position is classified, and in other functionally related
14 occupational groups and who are competent, qualified and with the appropriate
15 civil service eligibility shall be considered for promotion.

16
17 When a vacancy occurs in a position in the second level of the Career
18 Service as defined herein, the employees in the government service who occupy
19 the next lower positions in the occupational group under which the vacant
20 position is classified and in other functionally related occupational groups and
21 who are competent, qualified and with the appropriate civil service eligibility
22 shall be considered for promotion.

23
24 If the vacancy is not filled by promotion as provided herein the same
25 shall be filled by transfer of present employees in the government service, by
26 reinstatement, by re-employment of persons separated through reduction in
27 force, or by appointment of persons with the civil service eligibility appropriate
28 to the positions.

29
30 **Article 14. Screening Process.** For purposes of this Chapter, each
31 ministry or agency shall evolve its own screening process, which may include
32 tests of fitness, in accordance with standards and guidelines set by the Civil
33 Service Commission. Promotion boards shall be formed to formulate criteria for
34 evaluation, conduct tests or interviews, and make systematic assessment of
35 training experience.

36
37 **Article 15. When Appropriate Examinations Required.** Qualification in an
38 appropriate examination shall be required for appointment to positions in the
39 first and second levels in the career service in accordance with the Civil Service
40 rules, except as otherwise provided by law: *Provided*, that whenever there is a
41 civil service eligible actually available for appointment, no person who is not such
42 an eligible shall be appointed even in a temporary capacity to any vacant position
43 in the career service in the government or in any government-owned or controlled
44 corporation with original charter, except when the immediate filling of the
45 vacancy is urgently required in the public interest, or when the vacancy is not

1 permanent, in which cases temporary appointments of non-eligibles may be
2 made in the absence of eligibles actually and immediately available.

3
4 The appropriate examinations herein referred to shall be those given by
5 the Commission and the different agencies: *provided*, that a person with a civil
6 service eligibility acquired by successfully passing an examination shall be
7 qualified for a position requiring a lower eligibility if he/she possesses the other
8 requirements for appointment to such position.

9
10 **Article 16.** *Special Examinations for Indigenous Peoples in the BARMM.*
11 In line with the Bangsamoro Government’s policy to promote inclusivity for Moro
12 and non-Moro indigenous peoples and accelerate the development of the areas
13 occupied by them, special examinations for Indigenous Peoples shall be
14 requested by the Bangsamoro Government to be administered by appropriate
15 government agencies, in accordance with the provisions of law, rules and
16 standards promulgated in relation thereto.

17
18 **Article 17.** *Reduction in Force.* Whenever it becomes necessary because
19 of lack of work or funds or due to a change in the scope or nature of a ministry,
20 office or agency’s program, or as a result of reorganization, to reduce the staff of
21 any ministry, office or agency, those in the same group or class of positions in
22 one or more agencies within the particular ministry or agency wherein the
23 reduction is to be effected, shall be reasonably compared in terms of relative
24 fitness, efficiency and length of service, and those found to be least qualified for
25 the remaining positions shall be laid off.

26
27 **Article 18.** *Employee Onboarding Program.* Each ministry shall
28 collaborate with the Development Academy of the Bangsamoro to implement a
29 systematic onboarding program to transition its new employees into their role
30 and onto their respective unit, section, or division. Such onboarding program
31 shall be built for the specific level and position of the new employees and reflect
32 their unique work environment. It shall include the inculcation of moral
33 governance principles and practices, the development of camaraderie, high trust,
34 and high-performance organizational culture, the clarification of expectations,
35 the provision and use of resources and the compliance to organizational policies,
36 procedures, and protocols.

37
38 **Article 19.** *Career and Human Resource Development.* The Bangsamoro
39 Government shall ensure the development and retention of a competent and
40 efficient work force in the public service.

41
42 Every ministry, office or agency of the Bangsamoro Government shall, in
43 coordination with the Development Academy of the Bangsamoro, establish a
44 continuing program of career and human resource development at all levels, and
45 shall create a work environment conducive to the development of human
46 resource skills, talents, and values for optimum public service.

1
2 **Article 20.** *Career and Human Resource Development Plans.* Each ministry
3 or agency shall prepare a career and personnel development plan. Such career
4 and personnel development plan shall include provisions on merit promotions,
5 performance evaluation, in-service training, including overseas and local
6 scholarships and training grants, job rotation, suggestions and incentive award
7 systems, and such other provisions for employees' health, welfare, counselling,
8 recreation and similar services.

9
10 **Article 21.** *Inspection and Audit.* The CSC-BARMM, through its
11 designated representatives, shall conduct a periodic inspection and audit of the
12 personnel management program of each ministry, agency, province or city, in
13 order to: (a) determine compliance with this Code, rules and standards; (b) review
14 the discharge of delegated authority; (c) make an adequate evaluation of the
15 progress made and problems encountered in the conduct of the merit system in
16 the Bangsamoro Government including Bangsamoro Government-owned or
17 controlled corporations; (d) give advice and provide assistance in developing
18 constructive policies, standards and procedures, and (e) stimulate improvement
19 in all areas of personnel management.

20
21 Periodic inspection and audit will include an appraisal of personnel
22 management operations and activities relative to: (a) formulation and issuance
23 of personnel policy; (b) recruitment and selection of employees; (c) personnel
24 action and employment status; (d) career and employee development; (e)
25 performance evaluation system; (f) employee suggestions and incentive award;
26 (g) employee relations and services; (h) discipline; (i) personnel records and
27 reporting; and (j) program evaluation.

28
29 **Article 22.** *Complaints and Grievances.* Employees shall have the right to
30 present their complaints or grievances to management and have them
31 adjudicated as expeditiously as possible in the best interest of the agency, the
32 government as a whole, and the employee concerned. Such complaint or
33 grievances shall be resolved at the lowest possible level in the ministry or agency,
34 as the case may be, and the employee shall have the right to appeal such decision
35 to higher authorities.

36
37 Provisions under Book V of this Code shall apply to disciplinary and non-
38 disciplinary cases instituted at all levels of the ministry, office, or agency.

39
40 **Article 23.** *Employee Suggestions and Incentive Awards System.* Each
41 ministry, office, agency or local government unit shall establish an employee
42 suggestions and incentive awards system designed to encourage creativity,
43 innovativeness, efficiency, integrity, and productivity in the public service by
44 recognizing and rewarding Bangsamoro officials and employees, individually or
45 in groups, for their suggestions, inventions, superior accomplishments and other
46 personal efforts which contribute to the efficiency, economy, or other

1 improvement in government operations, or for other extraordinary acts or
2 services in the public interest.

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4
5
6 **BOOK II**
7 **QUALIFICATIONS OF NON-ELECTIVE POSITIONS**

8
9 **Chapter I**
10 **GENERAL POLICIES AND PROCEDURES ON APPOINTMENTS**

11
12 **Article 24.** Appointments in the Bangsamoro Civil Service. All
13 appointments in the career service shall consider gender and ethnic balance and
14 shall be made only according to merit and fitness to be determined, as far as
15 practicable, by competitive examinations. A non-eligible shall not be appointed
16 to any position in the career service whenever there is a civil service eligible
17 actually available for and ready to accept the appointment.

18
19 **Article 25.** *Human Resource Action.* Any action denoting the movement
20 or progress of human resource in the civil service such as promotion, transfer,
21 reappointment, reinstatement, reemployment, reclassification, detail,
22 reassignment, secondment, demotion and separation shall be known as human
23 resource action.

24
25 **Article 26.** *Procedures in the Preparation of Appointments.* The following
26 procedures shall be strictly observed in the preparation of appointments for
27 authorized positions found in the Plantilla of Personnel and lump sum
28 appropriation for contractual employees:

- 29
30 a. *Appointment Form.* The appointment form, which shall be in the
31 prescribed CSC form, shall be used for appointments in the career
32 and non-career service except those for casual appointments. The
33 same may be translated to Arabic, when necessary. The
34 appointment must be prepared in four (4) original copies: one copy
35 each for the appointee, for the CSC and for the agency/ministry,
36 and for the Office of the Chief Minister.

37
38 The following items in the appointment form shall be properly filled
39 in, as follows:

- 40
41 1. *Name of the Appointee.* The name indicated on the
42 appointment must be the same name appearing in the Certificate
43 of Live Birth submitted by the appointee and the Certificate of
44 Marriage, in the case of a married female employee who opts to use
45 the surname of her husband. The name of the appointee should be

1 written in the following format: first name, middle name or initial,
2 last name and name extension, if any.
3

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

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

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

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

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

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

40 8. *Signature of the Appointing Officer/Authority.* The three (3)
41 original copies of the appointment must be duly signed by the
42 appointing officer/authority. The appointing officer/authority is
43 the person or body authorized by law to make appointments in the
44 Philippine Civil Service.
45

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

6 In no case shall digital/electronic or rubber-stamped signature of
7 the appointing officer/authority on the appointment be allowed.
8

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

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

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

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

33 12. *Certification of Bangsamoro Promotion and Selection Board*
34 *(BPSB) Evaluation/Screening.* All appointees should be screened
35 and evaluated by the BPSB, if applicable. As proof thereof, a
36 certification signed by the Chairperson of the BPSB at the back of
37 the appointment specifying that the majority of the BPSB members
38 was present during the deliberation or alternatively, a copy of the
39 proceedings/minutes of the BPSB deliberation shall be submitted
40 together with the appointment. The BPSB deliberation in the
41 NGAs, GOCCs with original charters, and SUCs (for their
42 administrative and support staff) shall commence not earlier than
43 ten (10) calendar days from the date of posting and publication of
44 vacant positions; and in the local government units (LGUs) it shall
45 not be made earlier than fifteen (15) calendar days from the date of
46 posting and publication of vacant positions.

1
2 13. *Certification by the Placement Committee.* Reappointment to a
3 comparable position as a result of reorganization pursuant to RA
4 No. 6656 or other laws shall be assessed by the Placement
5 Committee. As proof thereof, a certification shall be signed by the
6 Chairperson of the Placement Committee at the back of the
7 appointment.
8

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

23 c. *Position Description Form.* The Position Description Form, as
24 prescribed by DBM and CSC, properly and completely
25 accomplished, shall be attached to all appointments for authorized
26 positions found in the Plantilla of Personnel and lump sum
27 appropriation for contractual employees.
28

29 **Article 27.** *Procedure in the Preparation of Casual Appointments.* The
30 following procedures shall be strictly observed in the preparation of casual
31 appointments:
32

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

39 b. *Source of Funds.* The source of funds for casual appointment shall
40 always be indicated on the space provided.
41

42 c. *Name of Appointee/s.* The name indicated on the appointment must
43 be the same name appearing in the Certificate of Live Birth submitted
44 by each of the appointee and the Certificate of Marriage, in the case
45 of a married female appointee who opts to use the surname of her
46 husband. The name of the appointee should be written in the

1 following format: last name, first name, name extension (if any), and
2 middle name or initial.

3
4 Only a maximum of fifteen (15) appointees must be listed on each
5 page of the Plantilla of Casual Appointments. The HRMO must also
6 indicate 'NOTHING FOLLOWS' on the row following the name of the
7 last appointee on the last page of the Plantilla. The agency HRMO
8 should provide proper pagination (Page n of n page/s).

- 9
10 d. *Position Title.* The position title indicated in the appointment should
11 be found in the IOS. The salary/job/pay grade, level of position, and
12 the corresponding compensation rate per day for each appointee
13 listed in the Plantilla of Casual Appointment shall always be
14 indicated.
- 15
16 e. *Period of Employment.* The period of employment, which shall be the
17 duration of the casual appointment of each appointee listed in the
18 Plantilla of Casual Appointment shall be indicated in the following
19 format: month, day and year (e.g. From: 07/01/2017 To:
20 12/31/2017).
- 21
22 f. *Nature of Appointment.* The nature of appointment, such as original,
23 reappointment or reemployment shall be indicated on the space
24 provided.
- 25
26 g. *Signature of the Appointing Officer/Authority.* The three (3) original
27 copies of the appointment must be duly signed by the appointing
28 officer/authority. The appointing officer/authority is the person or
29 body authorized by law to make appointments in the Philippine Civil
30 Service.

31
32 In case the appointing officer/authority delegates the authority to
33 issue appointments to a next-in-rank official in the same agency, as
34 authorized by law, a copy of the Bangsamoro Autonomy Act for the
35 said purpose shall be furnished to the CSC-BARMM.

36
37 In no case shall digital/electronic or rubber-stamped signature of the
38 appointing officer/authority on the appointment be allowed.

- 39
40 h. *Date of Signing.* The date of signing, which is the date of the issuance
41 and the date of effectivity of the appointment, shall be indicated below
42 the signature of the appointing officer/authority.
- 43
44 i. *Certification as to the Completeness and Authenticity of the*
45 *Requirements.* The HRMO shall thoroughly review and check the
46 veracity, authenticity and completeness of all the requirements and

1 documents in support of the appointment. He/she shall sign the
2 certification at the lower portion of the appointment.

- 3
4 j. *Certification (For LGUs)*. The Provincial/City/Municipal Accountant
5 shall certify that funds are available for the subject appointment/s.
6

7 The appointing officer/authority shall certify that such appointment
8 is issued in accordance with the limitations provided under Section
9 325 of the Local Government Code of 1991 (RA No. 7160).
10

11 In case the Local Accountant position is vacant, the Local Assistant
12 Accountant shall sign the certification. In the absence of such
13 position, the Local Chief Executive may designate the Local Budget
14 Officer to certify the availability of funds. The delegation should be
15 supported by an Office Order, a copy of which should be furnished
16 the CSC-BARMM.
17

- 18 k. *Personal Data Sheet (PDS)*. The PDS, as prescribed by CSC, completed
19 by the appointee, subject to the requirements of Item b, Article 23 of
20 this Book shall be attached to the Plantilla of Casual Appointments.
21 The PDS need not be attached to the appointment involving
22 Reappointment (renewal).
23
24

25 **Chapter II** 26 **EMPLOYMENT STATUS** 27

28 **Article 28.** *Employment Status*. The employment status in the civil
29 service shall be determined by the appointment issued, which can be any of the
30 following: permanent, temporary, substitute, coterminous, fixed term,
31 contractual, and casual.
32

33 **Article 29.** *Permanent*. Permanent appointment is issued to a person who
34 meets all the qualification requirements of the position to which he/she is being
35 appointed to, including the appropriate eligibility, in accordance with the
36 provisions of law, rules and standards promulgated in pursuance thereof.
37

38 **Article 30.** *Temporary*. Temporary appointment is issued to a person who
39 meets the education, experience and training requirements for the position to
40 which he/she is being appointed to, except for the appropriate eligibility. A
41 temporary appointment may only be issued in the absence of an applicant who
42 meets all the qualification requirements of the position as certified by the
43 appointing officer/authority. The appointment shall not exceed twelve (12)
44 months, reckoned from the date it was issued but the appointee may be replaced
45 sooner if a qualified eligible who is willing to accept the appointment becomes
46 actually available.

1
2 However, in no case shall a temporary appointment be issued for position
3 that involve practice of profession regulated by bar/board law for lack of the
4 required license and/or certificate of registration.
5

6 A temporary appointment issued to a person who does not meet any of
7 the education, training or experience requirements for the position shall be
8 disapproved/invalidated except to positions that are hard to fill, or other
9 meritorious cases as may be determined by the Commission, or as provided by
10 special law, such as Medical Officer/Specialist positions, Special Science
11 Teacher, and Faculty positions. Except for these positions, temporary
12 appointments may only be renewed once.
13

14 A temporary appointment to a position which involves practice of
15 profession may be issued to a person who lacks the required experience or
16 training but only in the absence of an applicant who meets all the qualification
17 requirements of the position as certified by the appointing officer/authority.
18

19 When there are no available qualified faculty in the region, place or
20 locality, as certified by the appointing officer/authority, temporary appointments
21 may be issued until the required Master's degree is met/complied with. The
22 renewal of temporary appointment shall be limited to five (5) times only reckoned
23 from the effectivity of CSC Memorandum Circular No. 25, s. 2017.
24

25 A temporary appointment issued to a person who meets all the
26 requirements of the position shall be disapproved/invalidated.
27

28 **Article 31. Substitute.** Substitute appointment is issued when the
29 regular incumbent of a position is temporarily unable to perform the duties of
30 the position, as when the incumbent is on an approved leave of absence, under
31 suspension, on a scholarship grant or is on secondment. This is effective only
32 until the return of the incumbent. A substitute appointment is allowed only if
33 the leave of absence of the incumbent is at least three (3) months, except in the
34 case of teachers.
35

36 A person who is issued a substitute appointment to a position whose
37 duties involve practice of a profession covered by Bar/Board or special laws shall
38 be required to possess the appropriate professional license. The substitute
39 appointee shall be entitled to the salaries and benefits attached to the position
40 except for those benefits requiring longer period of service for the availment
41 thereof.
42

43 **Article 32. Coterminous.** Coterminous appointment is issued to a person
44 whose tenure is limited to a period specified by law or whose continuity in the
45 service is based on the trust and confidence of the appointing officer/authority

1 or of the head of the organizational unit where assigned. Specifically, the
2 categories of coterminous appointments are:

- 3
4 1. *Coterminous with the appointing officer/authority* — an appointment
5 is coexistent with the term/tenure of the appointing
6 officer/authority.
7
- 8 2. *Coterminous with the head of the organizational unit where assigned*
9 *an appointment* is coexistent with the term/tenure of the head of the
10 organizational unit to which he/she is assigned, who is not the
11 appointing officer/authority.
12

13 Appointees to coterminous positions that are not primarily
14 confidential in nature (items 1 and 2) must meet the education,
15 training and experience requirements of the positions as proposed
16 by the respective Agency Heads and approved by the Commission.
17 Pending the submission and approval of the agency qualification
18 standards, the qualification requirements provided under the CSC
19 Qualification Standards Manual shall be used as bases in the
20 attestation of these coterminous appointments.
21

22 Eligibility is not required for appointment, except those whose duties
23 involve the practice of a profession regulated by the Philippine
24 Bar/Board or special laws and/or require licenses such as those
25 positions listed under Category IV of CSC MC No. 11, s. 1996, as
26 amended, but preference should be given to civil service eligibles.
27

- 28 3. *Coterminous (primarily confidential in nature)* — an appointment to
29 positions determined by law or declared by the Commission to be
30 primarily confidential in nature, the duties and responsibilities of
31 which imply not only confidence in the aptitude of the appointees
32 but primarily close intimacy which ensures freedom of discussion,
33 delegation and reporting without embarrassment or freedom from
34 misgivings or betrayals of personal trust. Appointees to primarily
35 confidential positions are exempt from the qualification
36 requirements, except those whose duties involve the practice of a
37 profession regulated by the Philippine Bar/Board or special laws
38 and/or require licenses.
39
- 40 4. *Coterminous with the Lifespan of the Agency* — appointment to a
41 position which is co-existent with the lifespan of the agency based
42 on the agency's Staffing Pattern as approved by the DBM or the
43 GCG.
44

45 Appointments to positions which are coterminous with the lifespan
46 of the agency need not be renewed annually. The lifespan of the

1 agency shall be indicated on the appointment. However, if the
2 performance of the appointee is below Satisfactory, the appointing
3 officer/authority may terminate the services of, or replace the
4 appointee after giving the latter a notice of at least thirty (30) days
5 prior to the date of termination of the appointment.
6

7 Employees whose appointments are coterminous with the lifespan
8 of the agency must meet the education, experience and training
9 requirements of the positions as proposed by the respective Agency
10 Heads and approved by the Commission. Pending the submission
11 and approval of the agency qualification standards, the qualification
12 requirements provided under the CSC Qualification Standards
13 Manual shall be used as bases in the attestation of these
14 coterminous appointments.
15

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

23 **Article 33.** *Fixed Term.* Fixed term appointment is issued to a person with
24 a specified term of office, subject to reappointment as provided by law, such as
25 Chairperson and members of commissions and boards, SUC President, and
26 Head of Agency appointed by the Board.
27

28 **Article 34.** *Contractual.* Contractual appointment is issued to a person
29 whose employment in the government is in accordance with a special contract
30 to undertake local or foreign-assisted projects or a specific work or job requiring
31 special or technical skills not available in the employing agency, to be
32 accomplished within a specific period. This includes appointments to positions
33 that are co-existent with the duration of a particular project based on the
34 agency's Staffing Pattern as approved by the Ministry of Finance Budget and
35 Management or other concerned government agencies. The inclusive period of
36 the contractual appointment shall be indicated on the face of the appointment
37 for purposes of crediting services.
38

39 Contractual appointments are limited to one year, but may be renewed
40 every year, based on performance, until the completion of the project or specific
41 work. However, if the performance of the appointee is below satisfactory or where
42 the funds have become insufficient or unavailable, the appointing
43 officer/authority may terminate the services of, or replace, the appointee after
44 giving the latter a notice at least 30 days prior to the date of termination of
45 appointment.
46

1 Employees under contractual appointment must meet the education,
2 training and experience requirements of the positions as proposed by the
3 respective Agency Heads and approved by the Commission. Pending the
4 submission and approval of the agency qualification standards, the qualification
5 requirements provided under the CSC Qualification Standards Manual shall be
6 used as bases in the attestation of these contractual appointments.
7

8 Eligibility is not required for appointment, except those whose duties
9 involve the practice of a profession regulated by the Philippine Bar/Board or
10 special laws and/or require licenses such as those positions listed under
11 Category IV of CSC MC No. 11, s. 1996, as amended, but preference should be
12 given to civil service eligibles.
13

14 The appointee shall perform the work or job under his/her own
15 responsibility with minimal direction and supervision from the employing
16 agency.
17

18 In no case shall a contractual appointment be issued to fill a vacant
19 plantilla position or a contractual employee perform the duties and
20 responsibilities of the vacant plantilla position.
21

22 Reappointment (renewal) of contractual appointments to the same
23 position shall be submitted to the CSC for notation only, without the need for
24 approval/validation. However, reappointment of contractual appointments to
25 another position shall be submitted for approval/validation by the CSC-BARMM.
26

27 **Article 35.** *Casual.* Casual appointment is issued only for essential and
28 necessary services where there are not enough regular staff to meet the demands
29 of the service and for emergency cases and intermittent period not to exceed one
30 year.
31

32 Employees under casual appointment must meet the education, training
33 and experience requirements of the positions as proposed by the respective
34 Agency Heads and approved by the Commission. Pending the submission and
35 approval of the agency qualification standards, the qualification requirements
36 provided under the CSC Qualification Standards Manual shall be used as bases
37 in the attestation of these casual appointments. Eligibility is not required for
38 appointment, except those whose duties involve the practice of a profession
39 regulated by the Philippine Bar/Board or special laws and/or require licenses
40 such as those positions listed under Category IV of CSC MC No. 11, s. 1996, as
41 amended, but preference should be given to civil service eligibles.
42

43 In no case shall a casual appointment be issued to fill a vacant plantilla
44 position or a casual employee perform the duties and responsibilities of the
45 vacant plantilla position.
46

1 Reappointment (renewal) of casual appointments to the same position
2 shall be submitted to the CSC for notation only, without the need for
3 approval/validation. However, reappointment of casual appointments to another
4 position shall be submitted for approval/validation by the CSC-BARMM.
5

6 Employees under contractual or casual appointment are entitled to the
7 same benefits enjoyed by regular employees.
8

9 **Article 36.** *Employment Status of Teachers.* The employment status of
10 teachers to any teaching position shall be any of the following:
11

- 12 a. Permanent — an appointment issued to an appointee who meets all
13 the requirements of the position.
14
- 15 b. Provisional — an appointment issued to an appointee who meets all
16 the requirements of the position except the eligibility but only in the
17 absence of a qualified eligible actually available who is willing to
18 accept the appointment, as certified by the Schools Division
19 Superintendent. It shall not be effective beyond the school year during
20 which it was issued. The appointment may be subject to
21 reappointment (renewal). Scholar- graduates of the Merit Scholarship
22 Program of the Department of Science and Technology - Science
23 Education Institute (DOST-SEI) shall be allowed to teach on
24 provisional status, which appointment may be renewed every school
25 year but not to exceed four (4) years.
26
- 27 c. Temporary — an appointment issued to an appointee who meets all
28 the requirements of the position except the education but only in the
29 absence of applicants who possess the minimum educational
30 qualification, as certified by the Schools Division Superintendent. It
31 shall not be effective beyond the school year during which it was
32 issued. The appointment may be subject to reappointment (renewal).
33
- 34 d. Substitute — an appointment issued to an appointee when the
35 regular incumbent of the position is temporarily unable to perform
36 the duties of the position. It shall be effective until the return of the
37 incumbent.
38

39 Appointees to substitute teaching positions shall be required to
40 possess RA No. 1080 (Teacher) eligibility.
41

- 42 e. Contractual — an appointment issued to an appointee who shall
43 teach specialized subjects in secondary education on part-time basis.
44 The inclusive period shall be indicated on the appointment for
45 purposes of crediting services.
46

1 Appointees to contractual teaching positions for specialized subjects
2 shall not be required to possess RA No. 1080 (Teacher) eligibility.
3

4 **Article 37.** *Nature of Appointment.* The nature of appointment shall be,
5 as follows: original, promotion, transfer, reemployment, reappointment,
6 reinstatement, demotion and reclassification.
7

8 **Article 38.** *Original.* Original appointment is the initial entry into the
9 career or non-career service.
10

11 **Article 39.** *Promotion.* Promotion is the advancement of a career
12 employee from one position to another with an increase in duties and
13 responsibilities as authorized by law, and usually accompanied by an increase
14 in salary. Promotion may be from one department or agency to another or from
15 one organizational unit to another within the same department or agency.
16 Provided, however, that any upward movement from the non-career service to
17 the career service and vice versa shall not be considered as a promotion but as
18 reappointment.
19

20 An employee who is promoted to another agency shall notify the head of
21 the department or agency in writing where he/she is employed at least thirty (30)
22 days prior to his/her assumption to the position. It is understood that the
23 employee who is promoted to another agency is cleared from all money, property
24 and work-related accountabilities.
25

26 The pendency of an administrative case against any employee shall not
27 be a bar to promotion.
28

29 An employee who has been found guilty of an administrative offense and
30 imposed the penalty of demotion, suspension or fine shall be disqualified for
31 promotion for the same period of suspension or fine. In the case of demotion, the
32 period of disqualification for promotion shall be within one (1) year.
33

34 Special promotions based on awards and/or acts of conspicuous courage
35 and gallantry as provided under special laws, such as Sec. 6, RA No. 6713, Sec.
36 10, and Executive Order No. 508, as amended by Executive Order No. 77, shall
37 be exempt from qualification requirements but subject to specific validation
38 requirements as provided under the above-said special laws or their
39 implementing rules and regulations.
40

41 **Article 40.** *Transfer.* Transfer is the movement of employee from one
42 position to another which is of equivalent rank, level or salary without gap in the
43 service involving the issuance of an appointment.
44

45 The transfer may be from one organizational unit to another in the same
46 ministry, office or agency or from one department or agency to another:

1 Provided, however, that any movement from the non-career service to the career
2 service and vice versa shall not be considered as a transfer but reappointment.
3

4 An employee who seeks transfer to another office shall notify the head of
5 the department or agency in writing where he/she is employed at least thirty (30)
6 days prior to the effective date of his/her transfer. The head of the department
7 or agency shall notify the employee in writing of the approval of the request to
8 transfer within 30 days from date of notice.
9

10 If the request to transfer of an employee is not granted by the head of the
11 ministry, office or agency where he/she is employed, it shall be deemed approved
12 after the lapse of 30 days from the date of notice without the need to notify the
13 employee concerned.
14

15 It is understood that the employee who seeks to transfer is cleared from
16 all money, property and work-related accountabilities.
17

18 If, for whatever reason, the employee fails to transfer on the specified
19 date, he/she shall be deemed resigned. However, should the employee opt to
20 remain in the same agency before the specified date of transfer, the employee
21 may be reappointed if there is no gap in the service or reemployed if there is gap
22 in the service. In both cases, the employee shall undergo the usual hiring
23 process.
24

25 **Article 41. Reemployment.** Reemployment is the appointment of a person
26 who has been previously appointed to a position in the government service but
27 was separated therefrom as a result of reduction in force, reorganization,
28 retirement, voluntary resignation, or any non-disciplinary action such as
29 dropping from the rolls and other modes of separation. Reemployment
30 presupposes a gap in the service.
31

32 No prior authority from the Commission shall be required for the
33 reemployment of a person who has been previously retired or resigned and who
34 has not reached the compulsory retirement age of 65.
35

36 **Article 42. Reappointment.** Reappointment is the issuance of an
37 appointment as a result of reorganization, devolution, salary standardization, re-
38 nationalization, recategorization, rationalization or similar events, including the
39 following:
40

- 41 1. The issuance of appointment from temporary to permanent, career to
42 non-career or vice versa, non-career to another non-career, all of
43 which entails no gap in the service, shall be considered as
44 reappointment. Non-career employees who are appointed for the first
45 time in the career service under permanent status shall be required
46 to undergo probationary period for six (6) months.

1
2 2. The renewal of temporary, contractual and casual appointment upon
3 the expiration of the appointment or subsequent appointment of
4 substitute teachers, which entails no gap in the service, shall be
5 considered as reappointment. A temporary appointment may be
6 renewed in the absence of an applicant who meets all the qualification
7 requirements of the position as certified by the appointing
8 officer/authority and provided that the performance rating of the
9 employee is at least satisfactory.

10
11 3. Personal or coterminous staff of elective officials, who shall continue
12 to serve in a coterminous capacity upon re-election of the said elective
13 officials, shall be issued new appointments. The nature of
14 appointment shall be reappointment.

15
16 In the same manner, personal or coterminous staff of officials whose
17 term of office ended and are subsequently absorbed or rehired by the
18 succeeding official without gap in their service shall be issued new
19 appointments, the nature of which is reappointment.

20
21 Reappointment presupposed no gap in the service.

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

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

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

37
38 **Article 43.** *Reinstatement (to comparable position).* Reinstatement to
39 comparable position is the restoration of a person, as a result of a decision, to a
40 career position from which he/she has, through no delinquency or misconduct,
41 been separated but subject position is already abolished, requiring the issuance
42 of an appointment to a comparable position to the separated employee.

43
44 However, reinstatement (to the same position/item), which involves the
45 restoration of a person, as a result of a decision, to a career position from which
46 he/she has, through no delinquency or misconduct, been separated from the

1 service and subject position is still available, does not need the issuance of an
2 appointment.

3
4 **Article 44. Demotion.** Demotion is the movement of an employee from a
5 higher position to a lower position where he/she qualifies, if a lower position is
6 available. The demotion entails reduction in duties, responsibilities, status or
7 rank, which may or may not involve a reduction in salary.

8
9 In cases where the demotion is due to reorganization or rationalization,
10 the employee shall be allowed to continue to receive the salary of the higher
11 position.

12
13 In cases where the demotion is voluntary or at the instance of the
14 employee, he/she shall be allowed to receive the same step of the salary grade of
15 the position where he/she voluntarily sought to be appointed. A written consent
16 shall be secured from the demoted employee.

17
18 **Article 45. Reclassification.** Reclassification is a form of staffing
19 modification and/or position classification action which is applied only when
20 there is a substantial change in the regular duties and responsibilities of the
21 position. This may result in a change in any or all of the position attributes:
22 position title, level and/or salary grade. It generally involves a change in the
23 position title and may be accompanied by an upward or downward change in
24 salary. Reclassification is the generic term for changes in staff/position
25 classification which includes upgrading, downgrading, and categorization.

26
27 Reclassification of position requires the issuance of an appointment but
28 the same is ministerial on the part of the appointing officer/authority.

29
30 The appointment of an incumbent (permanent employee) whose position
31 was reclassified shall be approved/validated, regardless of whether he/she
32 meets the qualification requirements of the position involved. The incumbent of
33 the reclassified position has a vested right to the reclassified position but he/she
34 shall not be promoted unless he/she meets the qualification requirements of the
35 next higher position.

36
37 In LGUs, no reclassification shall be allowed except when the position is
38 actually vacant.

39
40 **Article 46. Adjustments or movements of human resource without need of**
41 *issuance of an appointment.* Adjustments or movements of human resource
42 which do not involve changes in position title, rank or status shall not require
43 the issuance of an appointment. A notice of such change or movement shall be
44 issued to the employee. A copy thereof shall be kept in the employee's 201 File
45 and another copy shall be submitted to the CSC-BARMM for record purposes.

1 The adjustments or movements of human resource shall include the
2 following:

- 3
- 4 a. Change in item number — the adjustment or shifting of item number
5 of a position per agency Plantilla of Personnel.
6
 - 7 b. Salary adjustment — the change in salary as a result of increase in
8 pay levels or upgrading of positions which does not involve a change
9 in qualification requirements.
10
 - 11 c. Step increment — the increase in salary from step to step within the
12 salary grade allocation of the official or employee's position in
13 recognition of meritorious performance based on a Performance
14 Management System approved by the CSC and/or through length of
15 service. A Notice of Step Increment (NOSI) is issued by the heads of
16 agencies for this purpose.
17
 - 18 d. Reinstatement (to the same position/item) — the restoration, as a
19 result of a decision, of a person to a career position from which
20 he/she has, through no delinquency or misconduct, been separated
21 therefrom. The employee has a vested right to his/her former item,
22 hence, he/she is deemed not to have left the service and therefore
23 has no gap in the service. He/she shall be entitled to payment of
24 back salaries including allowances and all benefits which would
25 have accrued if he/she has not been separated. A copy of the
26 decision shall be furnished the CSC-BARMM for record purposes.
27
- 28 The appointment of the employee hired to fill the position of an
29 employee with pending appeal of his/her dismissal or separation
30 from the service shall bear a colatilla that his/her appointment is
31 subject to the outcome of the case.
32
- 33 e. Demotion as a result of a disciplinary action - the adjustment of the
34 salary of an employee to the next lower salary grade with the same
35 salary step. A notice of salary adjustment shall be issued.
36
 - 37 f. Positions marked as coterminous with the incumbent (CTI) as a
38 result of rationalization or reorganization of the agency — A person
39 issued with a permanent appointment whose position is marked as
40 CTI (coterminous with the incumbent) as a result of rationalization
41 or reorganization of his/her agency shall retain his/her permanent
42 status until he/she is appointed/promoted to another position, or
43 resigns or retires from the service. The CTI status of the position
44 shall be reflected in the Plantilla of Personnel of the agency.
45

1 In case of promotion or separation from the service through retirement,
2 resignation, transfer, death of the incumbent, the position marked as CTI shall
3 automatically be abolished.

4
5
6 **Chapter III**
7 **OTHER HUMAN RESOURCE ACTIONS**
8

9 **Article 47.** *Human Resource Actions not Requiring Appointment.* The
10 following human resource actions which will not require the issuance of an
11 appointment shall nevertheless require an Office Order issued by the appointing
12 officer/authority: reassignment, detail and designation.
13

14 **Article 48.** *Reassignment.* Reassignment is the movement of an employee
15 across the organizational structure within the same department or agency,
16 which does not involve a reduction in rank, status or salary.
17

18 Reassignment shall be governed by the following:
19

- 20 1. Reassignment of employees with station-specific place of work
21 indicated in their respective appointments within the geographical
22 location of the agency shall be allowed only for a maximum period of
23 one (1) year. The restoration or return to the original post/assignment
24 shall be automatic without the need of any order of
25 restoration/revocation of the order of reassignment.
26

27 The reassigned employee who is restored to his/her original
28 post/assignment pursuant to the decision of the Commission shall
29 not be reassigned within one (1) year reckoned from the date of
30 restoration to the original post/assignment. Otherwise, the
31 appointing officer/authority or the authorized official who caused the
32 subsequent reassignment within one (1) year from the date of
33 restoration may be cited for indirect contempt by the Commission.
34

35 An appointment is considered station-specific when: (a) the particular
36 office or station where the position is located is specifically indicated
37 on the face of the appointment paper; or (b) the position title already
38 specifies the station, such as Human Resource Management Officer,
39 Accountant, Budget Officer, Assessor, Social Welfare and
40 Development Officer, and such other positions with organizational
41 unit/station-specific function. Such position titles are considered
42 station-specific even if the place of assignment is not indicated on the
43 face of the appointment.
44

- 45 2. If an appointment is not station-specific, the one-year maximum
46 period of reassignment within the geographical location of the agency

1 shall not apply. However, the employee concerned may request for a
2 recall of the reassignment citing his/her reasons why he/she wants
3 to go back to his/her original station. The reassignment may also be
4 revoked or recalled by the appointing officer/authority or be declared
5 not valid by the Civil Service Commission or a competent court, on
6 appeal.
7

- 8 3. Reassignment is presumed to be regular and made in the interest or
9 exigency of public service unless proven otherwise or if it constitutes
10 constructive dismissal. Constructive dismissal exists when an official
11 or employee quits his/her work because of the agency head's
12 unreasonable, humiliating, or demeaning actuations, which render
13 continued work impossible because of geographic location, financial
14 dislocation and performance of other duties and responsibilities
15 inconsistent with those attached to the position. Hence, the employee
16 is deemed illegally dismissed. This may occur although there is no
17 diminution or reduction in rank, status or salary of the employee.
18

19 Reassignment that constitutes constructive dismissal may be any of
20 the following:
21

- 22 i. Reassignment of an employee to perform duties and
23 responsibilities in consistent with the duties and responsibilities
24 of his/her position such as from a position of dignity to a more
25 servile or menial job;
26
27 ii. Reassignment to an office not in the existing organizational
28 structure;
29
30 iii. Reassignment to an existing office but the employee is not given
31 any definite set of duties and responsibilities;
32
33 iv. Reassignment that will cause significant financial dislocation or
34 will cause difficulty or hardship on the part of the employee
35 because of geographic location; or
36
37 v. Reassignment that is done indiscriminately or whimsically
38 because the law is not intended as a convenient shield for the
39 appointing/disciplining officer to harass or oppress a subordinate
40 on the pretext of advancing and promoting public interest such as
41 reassignment of employees twice within a year, or reassignment
42 of career service officials and employees with valid appointments
43 during change of administration of elective and appointive
44 officials.
45

1 Reassignment that results in constructive dismissal must be
2 sufficiently established.
3

4 4. The employee may appeal the reassignment order within fifteen (15)
5 days upon receipt thereof to the Commission or CSC for BARMM as
6 provided under specific law, if he/she believes there is no justification
7 for the reassignment. Pending appeal, the reassignment shall not be
8 executory. The Decision of the CSC for BARMM may be further
9 appealed to the Commission within 15 days from receipt thereof.
10

11 5. Reassignment of public health workers, public social workers, public
12 school teachers and all other professions covered by special laws shall
13 be governed by their respective laws. However, the rules herein
14 mentioned shall be applied suppletorily.
15

16 **Article 49. Detail.** Detail is the temporary movement of an employee from
17 one ministry, office or agency to another which does not involve a reduction in
18 rank, status or salary.
19

20 Detail shall be governed by the following rules:
21

- 22 a. The detailed employee shall receive his/her salary only from his/her
23 parent agency;
24
- 25 b. Detail without consent shall be allowed only for a period of one (1)
26 year;
27
- 28 c. Detail with consent shall be allowed for a maximum of three (3)
29 years, the extension or renewal of the detail shall be discretionary
30 on the part of the parent agency;
31
- 32 d. Detail from one agency to another shall be covered by an agreement
33 manifesting the arrangement between the agency heads that it shall
34 not result in reduction in rank, status or salary of the employee, the
35 duration of the detail, duties to be assigned to the employee and
36 responsibilities of the parent agency and receiving agency;
37
- 38 e. The employee may appeal the detail order within 15 days upon
39 receipt to the Commission or the CSC-BARMM if he/she believes
40 there is no justification for the detail. Pending appeal, the detail
41 order shall be executory unless otherwise ordered by the
42 Commission. The decision of the said CSC for BARMM may be
43 further appealed to the Commission within fifteen (15) days from
44 receipt;
45

- 1 f. During the period of the detail, the parent agency relinquishes
2 administrative supervision and control over the detailed employee to
3 the receiving agency. In this regard, the receiving agency has the
4 following responsibilities: to monitor the punctuality and attendance
5 of the employee, approve requests for leave, evaluate the employee's
6 performance, grant the authority to travel and exercise other acts
7 necessary to effectively supervise the employee; provided, a report
8 on said matters is submitted to the parent agency for record
9 purposes;
10
- 11 g. The detailed employee shall be designated by the receiving agency
12 to a position whose duties are comparable to his/her position in the
13 parent agency. However, he/she shall not be designated to a
14 position exercising control or supervision over regular and career
15 employees of the receiving agency;
16
- 17 h. Prior to the effectivity of the detail, the parent agency shall furnish
18 a certification of the available sick and vacation leave credits of the
19 detailed employee to the receiving agency. In the event the receiving
20 agency approves requests for leave by the detailed employee, a copy
21 of the same shall be submitted to the parent agency;
22
- 23 i. The authority to discipline the detailed employee is still vested in the
24 appointing officer/authority of the parent agency where he/she
25 belongs. As used herein, the authority to discipline includes the
26 determination of the existence of a prima facie case against the
27 detailed employee, issuance of a formal charge, issuance of the order
28 of preventive suspension if the case so warrants, conduct of formal
29 investigation, and rendering of the decision on the administrative
30 case.
31
- 32 With respect to the administrative case arising from acts done by
33 the employee in the receiving agency, said agency shall have the
34 right to initiate or file the complaint against the detailed employee
35 subject to the provisions of the 2017 Rules on Administrative Cases
36 in the Civil Service (RACCS); and
37
- 38 j. All human resource actions and movements, including monetization
39 of leave credits, concerning the detailed employee, shall still be
40 under the jurisdiction of the parent agency notwithstanding that the
41 employee is detailed in another agency.
42

43 **Article 50. Designation.** Designation is the movement that involves an
44 imposition of additional and/or higher duties to be performed by a public
45 official/employee which is temporary and can be terminated anytime at the
46 pleasure of the appointing officer/authority. Designation may involve the

1 performance of the duties of another position on a concurrent capacity or on full-
2 time basis.

3
4 A designation in an acting capacity entails not only the exercise of the
5 ministerial functions attached to the position but also the exercise of discretion
6 since the person designated is deemed to be the incumbent of the position.

7
8 Officials designated as Officer-in-Charge (OIC) enjoy limited powers
9 which are confined to functions of administration and ensuring that the office
10 continues its usual activities. The OIC may not be deemed to possess the power
11 to appoint employees as the same involves the exercise of discretion which is
12 beyond the power of an OIC, unless the designation order issued by the proper
13 appointing officer/authority expressly includes the power to issue appointment.

14
15 Designation shall be governed by the following rules:

- 16
17 1. Employees to be designated should hold permanent appointments to
18 career positions.
- 19
20 2. Designees can only be designated to positions within the level they
21 are currently occupying. Employees holding first level positions
22 cannot be designated to perform the duties of second level positions
23 except in meritorious cases as determined by the CSC for BARMM
24 upon request for exemption by the agency concerned, such as
25 organizational set-up, calamity, and due to exigency of the service.
26 This exception shall not apply to positions involving supervisory and
27 executive managerial functions. Division Chiefs may be designated to
28 perform the duties of second level executive/managerial or third level
29 positions.
- 30
31 3. For positions with incumbents who temporarily cannot perform the
32 duties of the position (due to vacation or sick leave, study leave
33 scholarship, maternity leave, special assignments), the designation
34 should be synchronized with the absence of the incumbent, unless
35 earlier revoked or recalled by the appointing officer/authority.
36 However, the designation of employees may be renewed every year in
37 the exigency of the service but not to exceed two (2) years.
- 38
39 4. For positions without incumbents, a designation may be made only
40 for a maximum of one (1) year. However, the designation of employees
41 may be renewed every year in the exigency of the service but not to
42 exceed two (2) years.
- 43
44 5. Designations shall be made through an office order issued by the
45 appointing officer/authority concerned.

- 1 6. For designation to critical positions in the local government units
2 such as Provincial/City/Municipal Government Department Head, a
3 copy of the office order shall be furnished by the HRMOs of the LGUs
4 to the CSC for BARMM within thirty (30) days upon its issuance.
5 Employees designated to positions with duties involving practice of
6 profession shall be required to possess the necessary professional
7 license.
8
- 9 7. Designees cannot be granted the salaries of the positions they are
10 being designated to. However, allowances that go with the
11 performance of the functions such as RATA (Representation and
12 Transportation Allowance) or EME (Extraordinary and Miscellaneous
13 Expenses) may be granted as provided under the provisions of the
14 Bangsamoro Appropriations Act (BAA) or appropriation ordinance of
15 the respective local sanggunian; provided, the grant of the same is
16 specifically stated in the designation order.
17
- 18 8. Only experience gained from designation compliant with the above
19 stated rules shall be credited as relevant experience for purposes of
20 appointment.
21

22 **Article 51. Probationary Period.** Original appointees in the career service
23 with permanent status of appointment shall undergo a probationary period for
24 six months or depending on the requirement of the position, with a thorough
25 assessment of his/her performance and character. Probationary period refers to
26 the period of actual service following the issuance of a permanent appointment
27 wherein the appointee undergoes a thorough character investigation and
28 assessment of capability to perform the duties of the position enumerated in the
29 Position Description Form (PDF).
30

31 During this period, the appointee shall take: a. A General Orientation
32 provided by the agency; and b. A Mandatory Onboarding Training, for first and
33 second level positions, provided by the Development Academy of the Bangsamoro
34 (DAB) or A Mandatory Executive Coaching, for third level positions, also provided
35 by DAB.
36

37 The probationary period shall cover the following employees:
38

- 39 a. Those who are issued original appointments under permanent status
40 in the career service and who meet all the requirements of the
41 positions;
42
- 43 b. Non-career service employees who are reappointed/reemployed to a
44 career position under permanent status;
45

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

22 A notation that the appointee is under probation for a specified period
23 shall be indicated in the appointment issued.
24

25 The following employees shall be exempted from undergoing probationary
26 period:
27

- 28 a. Teachers who, prior to issuance of permanent appointments, have
29 acquired adequate training and professional preparation in any
30 school recognized by the government, and possess the appropriate
31 civil service eligibility pursuant to Section 4 of Republic Act No. 4670;
32
- 33 b. First-time appointees to closed career positions in SUCs, and
34 scientific and research institutions if so provided under their agency
35 Charters; and
36
- 37 c. Appointees to positions exempted from the probationary period as
38 may be provided by law.
39

40 **Article 52.** *Review and Monitoring of Employee's Performance.* To
41 facilitate the review and monitoring of employee performance, the performance
42 targets and work output standards of a probationer shall be set, agreed upon
43 and duly signed by the probationer, the immediate supervisor (rater), and the
44 head of agency within five (5) days upon appointee's assumption to duty.
45

1 The appointee's performance during the probationary period shall be
2 reviewed as follows:

3
4 a. The immediate supervisor (rater) shall regularly gather feedback on the
5 appointee's performance, and conduct feedback sessions to determine
6 appropriate interventions to improve the appointee's performance;

7
8 b. The performance appraisal/evaluation shall be done at least twice
9 during the probationary period and within every three (3) months or six
10 (6) months, depending on the duration of the probationary period, as
11 required by the position;

12
13 c. The performance review shall be conducted within 10 days before the
14 end of every rating period during the probationary period.

15
16 d. The critical factors to be reviewed shall be based on the performance
17 dimensions indicated in the agency Strategic Performance Management
18 System (SPMS) and may include competency (knowledge, skills and
19 attitude), and job-related critical incidents, such as habitual tardiness
20 and continuous absence from work;

21
22 e. The performance evaluation report shall be reviewed and certified by
23 the agency Performance Management Team (PMT) or any duly constituted
24 review committee; and

25
26 f. The probationers shall be furnished with copies of the records of
27 feedback, job-related critical incidents, and performance evaluation
28 reports with comments on their capability to meet the performance
29 targets and work output standards and/or recommendation for the
30 continuity of the permanent appointment of the probationer.
31 Corresponding copies shall be included in the 201 file of the appointees.
32

33 **Article 53. Termination for Unsatisfactory Conduct or Want of Capacity.**

34 The services of the appointee can be terminated for unsatisfactory conduct or
35 want of capacity before the end of the second performance review on the sixth
36 (6th) month or depending on the duration of the probationary period as required
37 by the position.

38
39 Unsatisfactory conduct or behavior refers to the failure of the appointee
40 to observe propriety in his/her acts, behavior and human/public relations, and
41 to irregular punctuality and attendance while performing their duties and
42 responsibilities during the probationary period. This may include cases of neglect
43 of duty, misconduct, insubordination, habitual tardiness and absenteeism.
44

45 On the other hand, want of capacity shall refer to the failure of the
46 appointee during the probationary period to perform the duties and

1 responsibilities based on standards of work outputs agreed upon and reflected
2 in the duly signed performance targets despite the developmental intervention
3 provided by the immediate supervisor.
4

5 The appointee shall be issued a notice of termination of service by the
6 appointing officer/authority within fifteen (15) days immediately after it was
7 proven that he/she demonstrated unsatisfactory conduct or want of capacity
8 before the end of the second performance review on the sixth (6th) month or
9 depending on the duration of the probationary period. Such notice shall state,
10 among other things, the reasons for the termination of service and shall be
11 supported by at least two of the following:
12

- 13 1. Performance Evaluation Report;
- 14
- 15 2. Report of the concerned Human Resource Management Office that
16 the employee failed to attend the Mandatory Onboarding Training/
17 Mandatory Executive Coaching;
18
- 19 3. Report of the immediate supervisor (rater) on job-related critical and
20 unusual incidents and on unsatisfactory conduct or behavior of the
21 appointee; or
22
- 23 4. Other valid documents that may support the notice of termination of
24 service.
25

26 The notice of termination of service shall be executory after fifteen (15)
27 days from receipt of the employee concerned. The same may be appealed to CSC,
28 within fifteen (15) days from receipt of notice but shall be executory pending
29 appeal. A copy of the Notice of Termination of Service shall be included in the
30 201 file of the appointee and furnished the CSC for recording in the Service Card.
31

32 If no notice of termination of office is given by the appointing
33 officer/authority to the employee before the expiration of the six-month or
34 depending on the duration of the probationary period, the probationer becomes
35 a regular employee of the agency concerned.
36

37 **Article 54. Effectivity and Submission of Appointments.** An appointment
38 issued in accordance with pertinent laws and rules shall take effect immediately
39 on the date it was signed by the appointing officer/authority. The date of signing
40 shall be indicated below the signature of the appointing officer/authority in the
41 appointment form.
42

43 The date of the appointment shall not fall on a Saturday, Sunday or
44 holiday, except in cases where the date of issuance is specifically provided in a
45 special law such as in the appointment of personal and confidential staff of

1 Constitutional officials and elective officials and where the service should not
2 constitute a gap such as in transfer and reappointment.
3

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

11 No official or employee shall be required to assume the duties and
12 responsibilities of the position without being furnished with a copy of his/her
13 appointment by the HRMO after it is signed by the appointing officer/authority.
14 The appointee shall acknowledge receipt of the appointment by signing on the
15 acknowledgment portion at the back of the appointment form.
16

17 The appointment of officials or employees who are on official leave of
18 absence, training or scholarship grant, shall be effective upon assumption or
19 upon return from official leave of absence, scholarship or training.
20

21 **Article 55.** *Concurrence of Local Sanggunian in Appointments Issued by*
22 *Local Government Units Required.* In the case of local government units, the
23 appointment issued by the appointing officer/authority to a department head
24 position requires the concurrence of the majority of all the members of the local
25 sanggunian. The appointing officer/authority shall submit the appointment to
26 the local sanggunian for concurrence within seven (7) calendar days upon
27 issuance. Failure to submit the appointment to the sanggunian within the
28 prescribed period may render the person/s responsible administratively liable.
29

30 If the sanggunian does not act on the appointment within fifteen (15)
31 calendar days from the date of its submission, said appointment shall be deemed
32 concurred.
33

34 The effectivity date of the appointment shall be the date of the signing of
35 the appointing officer/authority which shall end the moment the local
36 sanggunian rejects or disapproves it. The services rendered after the rejection
37 shall not be considered government service and the payment of salaries shall be
38 the liability of the appointing officer/authority.
39

40 In case the appointment is not submitted to the local sanggunian for
41 concurrence and the same is later on disapproved or invalidated by the
42 Commission, the appointment shall not be considered effective from the date of
43 issuance.
44

45 **Article 56.** *Submission of Appointment to the Commission.* An
46 appointment shall be submitted to the Commission within thirty (30) calendar

1 days from the date of issuance. In case of appointments issued by
2 accredited/deregulated agencies, the Report on Appointments Issued (RAI)
3 together with the original CSC copy of appointments issued during the month
4 and the required attachments shall be submitted on or before the 30th day of
5 the succeeding month.

6
7 The delay in the submission of appointment or RAI to the CSC shall not
8 be taken against the appointee. The effective date of appointment shall not be
9 adjusted based on the delay, thus the original date of appointment shall be
10 retained. However, the responsible official/s who caused the delay in the
11 submission or non-submission of the appointment may be held administratively
12 liable for neglect of duty.

13
14 Furthermore, the delay in the submission or non-submission of RAI may
15 be reflected by the CSC-BARMM Director as a critical incident in the Agency
16 Capability Evaluation Card (ACEC) and may result in the revocation of the
17 accredited/deregulated status of the agency.

18
19 The appointee, whose appointment was submitted to the Commission
20 beyond the prescribed 30-day period shall be entitled to the payment of salary
21 from the government immediately following the effectivity of the appointment and
22 assumption to duty. The services rendered by the appointee shall be credited as
23 government service.

24
25 **Article 57.** *Cancellation of Appointment for Failure to Assume Office.* An
26 appointment issued by the appointing officer/authority may be cancelled if the
27 appointee does not assume office or report within thirty (30) calendar days from
28 receipt of the written notice of the appointment.

29
30 The cancellation of the appointment shall be reported to the Commission
31 for record purposes. The position is automatically deemed vacant upon
32 cancellation of the appointment by the appointing officer/authority without the
33 need for an approval or declaration by the Commission. The appointing
34 officer/authority may select from among the top ranking candidates for the
35 position or order the re-publication of the vacant position pursuant to RA No.
36 7041.

37
38 Officials or employees who are on official leave of absence, training or
39 scholarship grant, whose appointment shall be effective upon assumption or
40 upon return from official leave of absence, scholarship or training, shall be
41 exempt from this provision.

42
43 If the appointee is not allowed to assume office by the appointing
44 officer/authority or other officials concerned despite his/her receipt of the
45 appointment, or submission thereof to the Commission for approval, the

1 official/s or employee/s who caused the non-assumption of the appointee shall
2 be held administratively liable therefor.

3
4 **Article 58.** *Reckoning of Temporary Appointment.* In the case of
5 temporary appointment, the twelve-month period of its effectivity shall be
6 reckoned from the date of the issuance of the appointment and not from the date
7 the appointee assumed the duties of the position.

8
9 **Article 59.** *Assumption to Office Without Appointment First Issued.* The
10 services rendered by any person who was required to assume the duties and
11 responsibilities of any position without an appointment having been issued by
12 the appointing officer/authority shall not be credited nor recognized by the
13 Commission and the payment of salaries and other benefits shall be the personal
14 liability of the person who made him/her assume office.

15
16 **Article 60.** *Actual Assumption of Duties as Basis for Payment of Salary
17 and Determination of Service Rendered.* The date of the actual assumption of
18 duties of the appointee, as indicated in the Certification of Assumption to Duty
19 in the CSC prescribed form shall be the basis for the payment of his/her salary
20 and determination of service rendered in government. This shall be submitted to
21 the CSC-BARMM for proper notation in the service card of the appointee.

22
23
24 **Chapter IV**
25 **VACANCY**
26

27 **Article 61.** *Publication and Posting Requirements of Vacant Positions.*
28 Vacant positions in the career service, including vacant executive/managerial
29 positions in the second level that are authorized to be filled, together with their
30 corresponding qualification standards and plantilla item numbers, shall be
31 published and posted in the place where the hiring agency is located, including
32 the region, province, or city/municipality in three (3) conspicuous places for a
33 period of at least ten (10) calendar days for vacancies in the Bangsamoro
34 ministries, offices and agencies, state universities and colleges (SUCs), and
35 government-owned or controlled corporations (GOCCs) with original charters in
36 accordance with RA No. 7041 and its implementing guidelines, and not less
37 than fifteen (15) calendar days for local government units pursuant to Section
38 80(a), Title Three, Book I, RA No. 7160 or a law to be passed by the Parliament.

39
40 **Article 62.** *Submission of the List of Vacancies to the Civil Service*
41 *Commission – Bangsamoro Autonomous Region in Muslim Mindanao.* All
42 Ministries, offices and agencies shall submit a list of their vacant positions
43 authorized to be filled and their corresponding qualification standards and
44 plantilla item numbers in the CSC prescribed form in electronic and printed
45 copies to the CSC for BARMM. The printed and the electronic copies shall be
46 forwarded to the CSC for BARMM for publication.

1
2 Any incorrect information in the publication of vacant positions, i.e., item
3 number, position title or qualification standards shall be a ground for the
4 disapproval/invalidation of appointments.

5
6 **Article 63.** *Positions Exempt from Publication and Posting.* The following
7 positions are exempt from the publication and posting requirements:

- 8
9 a. Primarily confidential;
10
11 b. Policy-determining;
12
13 c. Highly technical which includes the faculty and academic staff of
14 state/local colleges and universities, and scientific and technical
15 positions in scientific and research institutions with established merit
16 systems;
17
18 d. Coterminous with that of the appointing officer/authority, including
19 other non- career positions such as contractual and casual identified
20 under Section 9, Subtitle A, Title I, Book V of EO No. 292;
21
22 e. Reappointment (change of status to permanent) of those appointed on
23 temporary status for Category II positions under CSC MC No. 11, s.
24 1996, as amended; or
25
26 f. Reappointment (renewal) of those appointed on temporary status for
27 Medical Officer/Specialist positions pursuant to PD No. 1424,
28 Further Amending RA No. 1243, As Amended by RA No. 2251,
29 otherwise known as the "Hospital Residency Law";
30
31 g. Those to be filled by existing regular employees in the ministry, office
32 or agency in case of reorganization/rationalization; provided, the
33 approved staffing pattern is posted in the ministry, office or agency
34 bulletin boards and other conspicuous places.
35

36 **Article 64.** *Vacant Generic Positions.* The qualification standards of the
37 parenthetical title should be used in the publication of vacant generic positions.
38

39 **Article 65.** *Positions Occupied by Holders of Temporary Appointments.* All
40 positions occupied by holders of temporary appointments, except positions
41 under Category II of CSC MC No. 11, s. 1996, as amended, shall be continuously
42 posted in three (3) conspicuous places in the agency and published in the CSC
43 Bulletin of Vacant Positions until filled by permanent appointees.
44

1 **Article 66.** *Validity of Publication.* The publication of a particular vacant
2 position shall be valid until filled but not to extend beyond nine (9) months
3 reckoned from the date the vacant position was published.
4

5 Should no appointment be issued within the nine-month period, the
6 agency has to cause the re-publication and re-posting of the vacant position.
7

8 **Article 67.** *Publication of Anticipated Vacancies.* Anticipated vacancies
9 may be published in case of retirement, resignation, or transfer. The publication
10 should not be earlier than thirty (30) days prior to retirement, resignation, or
11 transfer.
12

13

14

15 **Chapter V**

16 **QUALIFICATION STANDARDS**

17

18 **Part I. General Policies**

19

20 **Article 68.** *Qualification Standards Defined.* The qualification standards
21 are the minimum and basic requirements for positions in the government in
22 terms of education, training, experience, Civil Service eligibility, physical fitness
23 and other qualities required for successful performance of the duties of the
24 position. These shall serve as the basic guide in the selection of the employees
25 and in the evaluation of appointments to all positions in the government.
26

27 The establishment, administration and maintenance of qualification
28 standards shall be the responsibility of the ministry, office or agency, with the
29 assistance and approval of the Civil Service Commission.
30

31 Ministries, offices or agencies are encouraged to set specific or higher
32 standards for their positions, including the required competencies. These
33 standards shall be submitted to the Commission for approval, and once
34 approved, the agency shall uniformly and consistently adopt these in the
35 selection and appointment of employees. The approved qualification standards
36 shall be adopted by the Civil Service Commission in the attestation of
37 appointments of the agency concerned.
38

39 **Article 69.** *Qualification Standards Established and Approved by the*
40 *Commission.* Qualification standards shall be established for all positions in the
41 Index of Occupational Service (IOS), Position Titles and Salary Grades or
42 positions subsequently created and approved in accordance with existing laws,
43 policies, rules and regulations. Qualification standards which have been
44 established and approved by the Commission for positions in a particular sector
45 may be adopted for the same position titles in other government sectors without
46 need for prior approval of the Civil Service Commission.

1
2 **Article 70.** *Agency Positions to be Included in Qualification Standards*
3 *Manual.* All agency positions should be included in the approved Qualification
4 Standards Manual of the agency concerned, or if unique to the agency, should
5 have a qualification standards approved/confirmed by the Civil Service
6 Commission.

7
8 An appointment to a position without an approved/confirmed
9 qualification standard by the Civil Service Commission, as the case may be, shall
10 be disapproved/invalidated.

11
12 **Article 71.** *Qualification Standards for Certain Positions that are*
13 *Prescribed by a Special Law.* The qualification standards for department head
14 and assistant department head positions (mandatory or optional) in Local
15 Government Units, considered as executive/managerial positions, shall be those
16 prescribed by RA No.7160 and other special laws. For newly created department
17 head and assistant department head positions, the qualification standards shall
18 be equivalent or comparable to those prescribed by RA No. 7160.

19
20 **Article 72.** *Career Service Positions' Appointees to Meet the Prescribed*
21 *Minimum Requirements.* Appointees to career service positions must meet the
22 education, training, experience, eligibility, and competency requirements
23 prescribed in the Qualification Standards manual or CSC-approved agency
24 qualification standards for their positions at the time of the issuance of the
25 appointment.

26
27 **Article 73.** *Position Description Form.* Qualification standards for
28 positions, which may include competencies (knowledge, skills and attitudes),
29 shall be established based on the set of duties and responsibilities indicated in
30 the Position Description Form (PDF).

31
32 **Article 74.** *Casual, Contractual, and Coterminous Positions.* Appointees
33 to casual, contractual, and coterminous positions that are not primarily
34 confidential in nature must meet the education, training and experience
35 requirements of the positions as proposed by the respective Agency heads and
36 approved by the Civil Service Commission. Pending the submission and approval
37 of the agency qualification standards, the qualification requirements provided
38 under the CSC Qualification Standards Manual shall be used as bases in the
39 attestation of these non-career appointments.

40
41 Eligibility is not required for appointment to casual, contractual, and
42 coterminous positions but preference should be given to civil service eligibles.
43 However, if the duties of the position involve the practice of a profession
44 regulated by the Philippine Bar/Board or special laws, and/or require licenses
45 such as those required for positions listed under Category IV of CSC MC No. 11,

1 s. 1996, as amended, the corresponding professional license and/or certificate
2 of registration shall be required.

3
4 **Article 75.** *Primarily Confidential or Personal Staff.* Appointees to
5 primarily confidential/personal staff positions are exempt from the qualification
6 requirements, except those whose duties involve the practice of a profession
7 regulated by the Philippine Bar/Board laws and/or require licenses such as
8 those required for positions listed under Category IV of CSC MC No. 11, s. 1996,
9 as amended, and those specifically required by a special law, such as the
10 positions of Provincial/City/Municipal Administrator, Information Officer and
11 Legal Officer required under specific provisions of the 1991 Local Government
12 Code to have "first grade civil service eligibility" or its equivalent and RA No. 1080
13 (Bar) eligibility, respectively.

14
15 **Article 76.** *Reappointment to the same or Comparable Positions.*
16 Incumbents of positions under permanent status who are reappointed to the
17 same or comparable positions during reorganization, rationalization or
18 recategorization and other similar events are considered as having met the
19 qualification standards for the position.

20
21 **Article 77.** *Division Chief and Executive Managerial Positions.* The
22 qualification standards for division chief and executive managerial positions
23 shall primarily take into consideration education, experience, training, eligibility
24 and leadership competencies.

25
26 **Article 78.** *Madaris Teachers.* The MBHTE shall coordinate with the CSC
27 for BARMM for the implementation of the provisions in the Bangsamoro
28 Education Code regarding the qualification standards for Madaris teachers.

29
30 **Article 79.** *Requirements in case of Request for Approval of Qualification*
31 *Standards.* An agency, office or Ministry which requests approval of Qualification
32 Standards for particular position/s shall comply with the following
33 requirements:

- 34
35 a. Endorsement letter by the Agency Head;
36
37 b. Charter of the agency;
38
39 c. Organizational and Functional Chart of the Office or unit where the
40 position/s belong;
41
42 d. Plantilla of Positions or Staffing Pattern approved by the concerned
43 ministry, office or agency of the Bangsamoro Government;
44

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

19 **Part II. Education**

20

21 **Article 80.** *Education Defined.* Education refers to the formal or non-
22 formal academic, technical, and vocational studies that will enable the candidate
23 to successfully perform the duties and responsibilities indicated in the Position
24 Description Form (PDF) of the position to be filled. This includes Madaris
25 education as may be defined in the Bangsamoro Education Code.
26

27 **Article 81.** *Completion of Non-formal Education.* Certificates of completion
28 of non-formal education issued by the MBHTE or Department of Education shall
29 be considered valid documents for appointment to positions requiring
30 completion of elementary or high school education, provided, that other
31 requirements of the positions are met.
32

33 **Article 82.** *Two-Year Studies as a Requirement.* For one to meet the two-
34 year studies in college requirement in the Qualification Standards Manual, one
35 must have earned from a MBHTE or Commission on Higher Education (CHED)-
36 recognized institution at least 72 (non-K12 program) academic units leading to
37 a degree, has completed a relevant two-year collegiate/technical course or those
38 who have graduated from K-12 program.
39

40 **Article 83.** *Certificate of Completion of Bachelor's Degree.* Certificates
41 issued by the schools deputized by the MBHTE or CHED on having completed a
42 bachelor's degree under the Expanded Tertiary Education Equivalency and
43 Accreditation Program shall be considered valid documents for meeting the
44 education requirement for positions requiring completion of a bachelor's degree.
45

1 **Article 84.** *Certificate of Completion of at least 72 Units.* Certifications
2 issued by the schools deputized by MBHTE or CHED showing completion of at
3 least 72 (non-K 12 program) academic units leading to a degree under the
4 Expanded Tertiary Education Equivalency and Accreditation Program shall be
5 considered valid documents for meeting the education requirement for positions
6 requiring completion of two-year studies in college.
7

8 **Article 85.** *Certificate of Equivalency for One-Year Diploma Post-Graduate*
9 *Course.* Certification issued by MBHTE or CHED that a one-year diploma post-
10 graduate course acquired from foreign or local institutions is equivalent to a
11 master's degree shall be considered appropriate for meeting the education
12 requirement for appointment to division chief and executive/managerial
13 position.
14

15 **Article 86.** *Certificate of Equivalency for Bachelor's or Master's Degree.*
16 Certification issued by MBHTE or CHED that a degree obtained from foreign
17 schools is equivalent to a bachelor's or master's degree shall be considered valid
18 document for meeting the education requirement for positions requiring
19 completion of a bachelors or master's degree.
20

21 **Article 87.** *Relevancy of at least 12 Academic Units Required.* To meet the
22 relevant bachelor's degree requirement in the Qualification Standards Manual,
23 the appointee must have completed from an MBHTE or CHED-recognized college
24 or university a bachelor's degree whose curriculum either includes, or is
25 supplemented by, 12 academic units of the subject or course, which will enable
26 the candidate to successfully perform the duties and responsibilities of the
27 position to be filled in the Position Description Form.
28

29 **Article 88.** *Master's Degree or Certificate in Leadership and Management.*
30 A graduate of the Master's degree or Certificate in Leadership and Management
31 (C-Pro) from the CSC shall be considered to have met the master's degree
32 requirement for purposes of meeting the education requirement for division chief
33 and executive/managerial positions.
34

35 **Article 89.** *Bachelor of Laws and Doctor of Medicine.* Completion of the
36 degrees of Bachelor of Laws/Juris Doctor and Doctor of Medicine from a CHED-
37 recognized institution shall be considered appropriate education for
38 appointment to division chief and executive/managerial positions or other
39 positions requiring a master's degree, the duties of which do not involve practice
40 of profession covered by bar/board laws.
41

42 **Article 90.** *Exemption from the Master's Degree Requirement.* RA No.
43 1080 eligibles shall be exempt from the master's degree requirement for division
44 chief and executive/managerial positions the duties and responsibilities of which
45 involve practice of profession or belong to the same occupational group or

1 functionally related positions as that of the professions regulated by Bar or Board
2 laws.

3
4 However, a master's degree shall be required if the executive/managerial
5 or division chief position does not involve practice of profession or does not
6 belong to the same occupational group or functionally related positions as that
7 of the professions regulated by Bar/Board laws; provided that, this does not
8 apply to lawyers and doctors.

9
10 **Article 91.** *Career Executive Service Eligibles.* Career Executive Service
11 (CES) or Career Service Executive (CSE) eligibles shall likewise be considered to
12 have met the master's degree requirement for purposes of meeting the education
13 requirement for division chief and executive/managerial positions.

14
15 **Article 92.** *Certificate of Registration or Professional License.* Those who
16 have been allowed to register and are issued certificate of registration or valid
17 professional license of a specific board law shall be considered as having met the
18 educational requirements for appointments to positions covered by the
19 corresponding board law or other functionally related positions that do not
20 involve the practice of other professions covered by bar/board laws.

21
22 **Article 93.** *Professional and Non-professional Examinations Threshold.*
23 Those who were allowed to take the Career Service Professional and Sub
24 professional examinations on or before November 29, 1992 shall be considered
25 as having met the education requirement for appointment to corresponding level
26 of position not covered by bar/board laws.

27 28 29 **Part III. Experience**

30
31 **Article 94.** *Experience Defined.* Experience refers to the previous jobs in
32 either the government or private sector, whether full-time or part-time, which,
33 as certified by the Human Resource Management Officer or authorized officials
34 of the previous employer, are functionally related to the duties in the PDF of the
35 position to be filled.

36
37 **Article 95.** *Job Order or Contract of Service Acquired Experience.* Relevant
38 experience acquired through a Job Order or Contract of Service covered by a
39 contract or a Memorandum of Agreement may be considered for meeting the
40 experience requirement.

41
42 **Article 96.** *Full Time Volunteer Work.* Relevant experience acquired
43 through volunteer work, on full time basis, as certified by the Human Resource
44 Management Officer or authorized officials, may be considered for meeting the
45 experience requirement.

1 **Article 97.** *First Level Positions Experience.* Experience in first level
2 positions may be considered for meeting the experience requirement of second
3 level positions when acquired in the same occupational group or functionally
4 related positions.

5
6 **Article 98.** *Experience Acquired Through Designation.* Relevant
7 experience acquired through a designation covered by an Office or Memorandum
8 Order may be considered for meeting the experience requirement.

9 10 **Part IV. Training**

11
12 **Article 99.** *Role of the Development Academy of the Bangsamoro.* The
13 Development Academy of the Bangsamoro as the central human capital
14 development training and research arm of the Bangsamoro Government shall
15 provide training and human resources development programs for BARMM
16 officials and employees. The Bangsamoro Government shall coordinate with the
17 Civil Service Commission on the accreditation of the Development Academy of
18 the Bangsamoro as a recognized training institution for the Bangsamoro
19 Autonomous Region.

20
21 **Article 100.** *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 in
27 the PDF or Job Description (JD) of the position to be filled. These are evidenced
28 by the Learning and Development Plan/Coaching and Mentoring Program
29 approved by the agency head and Certificates issued by the HRMO or authorized
30 official from the government or private sector.

31
32 **Article 101.** *Human Resource Development Intervention.* Continuous
33 learning and development shall be espoused by the Bangsamoro Government.
34 To achieve this purpose, the ministry, office or agency shall in coordination with
35 the Development Academy of the Bangsamoro (DAB) as well as other training
36 institutions, ensure that each employee shall have undergone at least one
37 planned human resource development intervention during the year. A minimum
38 of forty (40) hours supervisory/management training or learning and
39 development intervention per year based on the Learning and Development Plan
40 of the agency should be provided by the agency to incumbents of supervisory
41 and managerial positions.

42
43 **Article 102.** *Recognized Training Institutions.* Training may be acquired
44 from any of the following institutions:

- 45
46 a. Any CSC accredited learning and development institutions;

- 1
2 b. Government training institutions including the Development
3 Academy of the Bangsamoro;
4
5 c. Non-accredited private training institution offering training of highly
6 technical/specialized nature;
7
8 d. Local training institution that is internationally acclaimed for meeting
9 the global standards of excellence in training;
10
11 e. Institution recognized by Ministry of Basic, Higher and Technical
12 Education (MBHTE) or Commission on Higher Education (CHED) as
13 Center of Excellence (COE) or Development (COD);
14
15 f. Foreign institution that offers training for scholarship purposes or for
16 personal advancement of participants; or
17
18 g. Other institutions that partner with the Civil Service Commission in
19 building capabilities of civil servants.
20

21 **Article 103.** *Trainings Acquired from Recognized Institutions must be*
22 *Relevant.* Training acquired from any of the afore-mentioned institutions must
23 be relevant to the position to be filled and aligned with the strategy map or
24 development goal of the institution or organization.
25

26 **Article 104.** *Attendance or Services Rendered not Considered Trainings.*
27 Attendance to annual agency planning sessions/workshops/ conferences as a
28 requirement for operations and/or services rendered as facilitator/ resource
29 person in seminars/workshops/trainings shall not be considered for meeting the
30 training requirements.
31

32 In house agency-initiated or in-service training/learning and
33 development intervention shall be considered for purposes of meeting the
34 training requirement of positions.
35

36 **Article 105.** *Number of Hours Required for Division Chief.* The learning
37 and development/training required for Division Chief and comparable positions
38 shall be forty (40) hours of supervisory/management learning and development
39 intervention undertaken as determined by the CSC.
40

41 **Article 106.** *Number of Hours Required for Executive/Managerial*
42 *Positions.* Generally, the training required for executive/managerial positions in
43 the second level shall be 120 hours of supervisory/management learning and
44 development intervention undertaken as determined by CSC.
45

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

8
9 **Article 107.** *MCLE and CPE/CPD Constitute Technical Training.* For
10 executive/managerial positions in the second level with duties and
11 responsibilities involving practice of profession, the Mandatory Continuing Legal
12 Education (MCLE) for Bar passers, the Continuing Professional
13 Education/Development (CPE/CPD) for licensed professionals or trainings
14 relevant to practice of profession may constitute for a maximum of 40 hours of
15 technical training and the remaining 80 hours shall be management trainings
16 undertaken within a period determined by CSC.

17
18 **Article 108.** *Highly Technical or Specialized Trainings.*
19 Executive/managerial positions in the second level with duties and
20 responsibilities which are highly-specialized in nature as shown in their PDFIJD
21 may require trainings which are highly technical and or highly-specialized. These
22 highly technical highly-specialized trainings shall make up for the 120 hours of
23 management and technical training where a maximum of 80 hours shall be for
24 technical training and the minimum of 40 hours shall be management trainings
25 undertaken within a period determined by CSC.

26
27 **Article 109.** *Amendments to Training Requirements.* Proposed
28 amendments to the training requirements for executive/ managerial positions as
29 discussed in Articles 103 and 104 hereof, and other valid reasons shall be
30 submitted to the Commission for approval. In the absence of CSO- approved
31 agency specific training requirements, the one hundred twenty (120) hours of
32 management training undertaken within a period determined by CSC.

33 34 35 **Part V. Eligibility**

36
37 **Article 110.** *Eligibility Defined.* Eligibility refers to the result of passing a
38 merit and fitness test which may be determined as far as practicable by
39 competitive examination, or based on highly technical qualifications or other
40 tests of merit and fitness conducted by the Civil Service Commission, and other
41 examinations such as the PRC-conducted board examinations, the SC-
42 conducted bar examinations or the CESB-conducted CES examinations.

43
44 **Article 111.** *First Level Eligibilities Appropriate for First Level Positions;*
45 *Exception.* First level eligibilities are appropriate for appointment to positions in
46 the first level. They do not apply to those covered by bar/board/special laws,

1 and other special eligibilities as may be determined by the Commission or those
2 that require licenses such as those positions listed under Category IV of CSC MC
3 No. 11, s. 1996, as amended.

4
5 **Article 112.** *Second Level Eligibilities Appropriate for Second and First*
6 *Level Positions; Exception.* Second level eligibilities are appropriate for
7 appointment to positions in the second and first level. They do not apply to those
8 covered by bar/board/special laws, and other special eligibilities as may be
9 determined by the Commission or those that require licenses such as those
10 positions listed under Category IV of CSC MC No. 11, s. 1996, as amended.

11
12 **Article 113.** *Third Level Eligibility.* The requirement for Career Executive
13 Service eligibility shall not apply to Third Level position in the BARMM, unless
14 otherwise provided by law or existing jurisprudence.

15
16 **Article 114.** *Bar/Board Examination Passers.* Eligibilities resulting from
17 passing the bar/board examinations shall be required for appointment to
18 positions the duties of which constitute the practice of profession(s) regulated by
19 the Philippine bar/board laws. Likewise, such eligibilities shall be considered to
20 appropriate positions requiring the completion of at least a bachelor's degree and
21 to other first and second level positions not covered by bar/board/special laws
22 and/or those that require other special eligibilities as may be determined by the
23 Commission or those that require licenses such as those positions listed under
24 Category IV of CSC MC No. 11, s. 1996, as amended.

25
26 **Article 115.** *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 positions
30 not covered by board/special laws and/or those that require other special
31 eligibilities as may be determined by the Commission or those that require
32 licenses such as those positions listed under Category IV of CSC MC No. 11, s.
33 1996, as amended.

34
35 **Article 116.** *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 with
38 the assistance of or in coordination with the CSC shall only be appropriate for
39 appointment to the positions for which they were given, to other functionally
40 related positions, and other positions as may be determined by the Commission.

41
42 Incumbents of positions who were issued permanent appointments using
43 eligibilities resulting from these examinations shall retain their permanent
44 status but may only be promoted to positions belonging to the same occupational
45 group or functionally related positions for which the examinations were given or
46 other positions as may be determined by the Commission.

1
2 **Article 117.** *Very Satisfactory Performance Eligibility Appropriate for*
3 *Highly Skilled Positions.* Eligibilities granted after one year of Very Satisfactory
4 actual work performance under temporary status for positions listed under
5 Category II of CSC MC No. 11, s. 1996, as amended, shall only be appropriate
6 for appointment to highly skilled positions within the same occupational group
7 or functionally related positions.
8

9 **Article 118.** *Eligibilities Under Category I (SCEP) Positions.* Eligibilities
10 previously issued under Category I (SCEP) shall continue to be appropriate for
11 permanent appointment to corresponding positions re-categorized under
12 Category II and other functionally-related positions without undergoing one (1)
13 year employment under temporary status, provided the other requirements are
14 met.
15

16 **Article 119.** *Licenses Required Under Category IV Positions.* Licenses
17 issued by authorized government agencies shall be required for appointment to
18 positions listed under Category IV of CSC MC No. 11, s. 1996, as amended.
19

20 **Article 120.** *NAPOLCOM Eligibility.* Passing the NAPOLCOM
21 examinations shall be considered as an eligibility appropriate only for
22 appointment to uniformed personnel positions in the PNP, unless otherwise
23 provided by law.
24

25 **Article 121.** *Shari'ah Bar Eligibility Threshold.* Passing the 13th *Shari'ah*
26 *Bar Examinations* held in January 2014 and the *Shari'ah Bar Examinations*
27 conducted thereafter shall be considered as an eligibility appropriate for
28 appointment to first and second level positions, except for positions covered by
29 bar/board/special laws and/or those that require other special eligibilities as
30 may be determined by the Commission or those that require licenses such as
31 those positions listed under Category IV of CSC MC No. 11, s. 1996, as amended.
32

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

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

45 **Chapter VI**
46 **MERIT SELECTION PLAN AND**

1 **HUMAN RESOURCE MERIT AND SELECTION BOARD**

2
3 **Article 122.** *Merit Selection Plan Coverage.* The Merit Selection Plan
4 (MSP) shall cover positions in the first and second level and shall also include
5 original appointments and other related human resource actions.
6

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

11 **Article 123.** *Different Bangsamoro Promotion and Selection Boards may*
12 *be Constituted.* Each ministry, office and agency may constitute two (2)
13 Bangsamoro Promotion and Selection Boards (BPSB) - one for the first and
14 second level positions and another for second level executive/managerial
15 positions.
16

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

22 **Article 124.** *BPSB to Assist the Appointing Authority.* The BPSB shall
23 assist the appointing officer/authority in the judicious and objective selection of
24 candidates for appointment in the agency in accordance with the approved
25 Agency Merit Selection Plan (MSP).
26

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

33 **Article 125.** *Report of BPSB's Assessment.* The appointing
34 officer/authority shall be guided by the report of the BPSB's assessment of
35 candidates and in the exercise of sound discretion, select, insofar as practicable,
36 from among the top five (5) candidates or less, deemed most qualified for
37 appointment to the vacant position, depending on the number of candidates.
38

39 **Article 126.** *Applicant Ranked Higher than Next-in-Rank May be*
40 *Appointed.* The appointing officer/authority may appoint an applicant who is
41 ranked higher than those next-in-rank to the vacant position based on the
42 assessment of qualifications/competence evidenced by the comparative ranking.
43

44 **Article 127.** *Composition of the BPSB.* There shall be BPSB to be
45 composed of the following:
46

1 1. *FIRST and SECOND LEVEL POSITIONS*

2
3 *For Ministries /GOCCs:*

4
5 Chairperson: Highest official in-charge of human resource management
6 or his/her authorized representative.

7
8 Members:

- 9
10 a) Head of organizational unit where vacancy exist, or his/her
11 designated alternate;
12
13 b) Human Resource Management Officer(HRMO) or the career service
14 employee directly responsible for recruitment, selection and
15 placement, or his/her designated alternate;
16
17 c) Two (2) regular and alternate representatives of the rank and file
18 career employees, from the first level and from the second level, who
19 shall all be chosen by the duly accredited employees association in
20 the agency.

21
22 *For LGUs:*

23
24 Chairperson: The Local Chief Executive, or his/her authorized
25 representative

26
27 Members:

- 28
29 a) Vice/Governor/ Vice Mayor or his/her authorized representative, if
30 the vacant position is in his/her Office or in the Office of the
31 Sanggunian;
32
33 b) Head of organizational unit where vacancy exist, or his/her
34 designated alternate;
35
36 c) Human Resource Management Officer (HRMO) or the career service
37 employee directly responsible for recruitment, selection and
38 placement, or his/her designated alternate;
39
40 d) Two (2) regular and alternate representatives of the rank and file
41 career employees, from the first level and from the second level, who
42 shall all be chosen by the duly accredited employees association in
43 the agency.

44
45 2. *EXECUTIVE/MANAGERIAL POSITIONS*

1 *For Ministries/GOCCs:*

2
3 Chairperson: Minister or his/her authorized representative.

4
5 Members:

- 6
7 a) Director general or its equivalent or his/her authorized
8 representative or designated alternative;
9
10 b) Director for Administration or his/her authorized Representative or
11 designated alternate.
12

13 *For LGUs:*

14
15 Chairperson: The Local Chief Executive, or his/her authorized
16 Representative

17
18 Members:

- 19
20 a) Vice Governor/ Vice Mayor or his/her authorized representative, if
21 the vacant position is in his/her Office or in the Office of the
22 Sanggunian;
23
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 128.** *Official to Supervise Human Resource Management.* The
28 highest official in-charge of the human resource management shall be the official
29 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.
45

1 **Article 129.** *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 LGUs,
5 the BPSB shall be chaired by the local chief executive or his/her authorized
6 representative, and its members shall be determined by resolution of the
7 sanggunian concerned. A copy of which should also be furnished the CSC-
8 BARMM.

9
10 **Article 130.** *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 131.** *Prescribed Composition may be Modified.* The membership
15 of the BPSB can be modified, provided it conforms to the prescribed composition.
16 Each ministry, office or agency may add a reasonable number of members, but
17 the prescribed composition may not be reduced. The BPSB members must be
18 duly designated and their names posted in the agency bulletin board. Any
19 change in the composition of the BPSB should be reported to the CSC-BARMM.

20
21 For LGUs, the same composition should be followed. In no instance
22 should the BPSB be composed entirely of the members of the local Sanggunian.

23
24 **Article 132.** *Role of Human Resource Management Office/ Unit.* The HRM
25 Office/Unit shall perform secretariat and technical support function to the BPSB
26 for the comparative assessment and final evaluation of candidates. It shall also
27 evaluate and analyze results of structured background investigation for second
28 level, supervisory, and executive/managerial positions.

29
30 The HRM Officer, as member of the BPSB, shall not act as secretariat to
31 the BPSB. For ministry, office and agencies with only one appointed or
32 designated HRM Officer, the agency head shall designate an employee from other
33 units to act as the secretariat.

34
35 **Article 133.** *Orientation and Workshop Required.* The BPSB members
36 including alternate representatives shall undergo orientation and workshop on
37 the ministry, office and agency selection/promotion process and CSC policies on
38 appointments.

39
40 **Article 134.** *Majority Required in the Deliberation.* The BPSB shall be
41 represented by at least the majority of its members during the deliberation of
42 candidates for appointment.

43
44 **Article 135.** *Deliberation, How and When Conducted.* The BPSB shall
45 maintain fairness and impartiality in the assessment of candidates for
46 appointment. Towards this end, the BPSB may employ the assistance of external

1 or independent resource persons and may initiate innovative schemes in
2 determining the best and most qualified candidate.

3
4 The deliberation by the BPSB in the ministry and GOCCs with original
5 charters shall not be made earlier than ten (10) calendar days from the date of
6 publication and posting of vacant positions; and in the local government units
7 (LGUs) it shall not be made earlier than fifteen (15) calendar days from the date
8 of publication and posting of vacant positions. An appointment issued in
9 violation of these rules shall be disapproved/invalidated.

10
11 Candidates for the following appointments shall no longer be subject to
12 the screening of the BPSB:

- 13
14 a. Substitute appointment due to its short duration and emergency
15 nature;
- 16
17 b. Appointment of faculty members and academic staff of SUCs and
18 LUCs who belong to the closed career service;
- 19
20 c. 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 d. Appointments to casual, contractual, coterminous and other non-
27 career positions as identified under Section 9, Subtitle A, Title I, Book
28 V of EO No. 292.

29
30 **Article 136.** *Performance Rating Required.* An employee should have
31 obtained at least Very Satisfactory (VS) performance rating in the last rating
32 period prior to the assessment or screening for promotion or transfer.

33
34 The performance rating of at least Very Satisfactory in the last rating
35 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 137.** *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.

1 **Article 138.** *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 disapproved/invalidated,
5 except when the promotional appointment falls within the purview of any of the
6 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 that
30 are scientific, or highly technical in nature that include the faculty and
31 academic staff of state colleges and universities, and the scientific and
32 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 the
37 requirements of the position and passed through the deep
38 selection process;

- 1 ii. when the qualified next-in-rank employees waived their
2 right over the vacant position in writing;
- 3
- 4 iii. when the next-in-rank position, as identified in the agency
5 SRP is vacant;
- 6
- 7 iv. when the next-in-rank employee/s is/are not qualified; or
8
- 9 v. when the qualified next-in-rank employees did not apply.

10 **Article 139.** *Applicability of Three (3) Salary Grade Limitation.* The three-
11 salary grade limitation shall apply only to promotion within the ministry, office
12 or agency. This prohibition shall not apply to the following human resource
13 actions which involve issuance of an appointment:
14

- 15 a. Transfer incidental to promotion provided that the appointee was
16 subjected to deep selection;
- 17
- 18 b. Reappointment involving promotion from non-career to career provided
19 the appointee was subjected to deep selection;
- 20
- 21 c. Reappointment from career to non-career position;
- 22
- 23 d. Re-employment; or
- 24
- 25 e. Reclassification of position.
- 26
- 27

28 **Article 140.** *Strict Observance of the Above Conditions Enjoined.* In the
29 selection process, ministry, office or agency heads are enjoined to strictly observe
30 the above conditions to avoid disapproval or invalidation of promotional
31 appointments.
32

33 **Article 141.** *Evaluation of the Manner and Merit of the Issuance of*
34 *Appointment.* In the evaluation of promotional appointments, the CSC-BARMM
35 make a thorough evaluation of the manner and merit of the issuance of the
36 appointment vis-a-vis the reasons or justifications of the appointing authority
37 before taking any action on the appointments.
38

39 **Article 142.** *Submission of Selection and Recruitment Plan (SRP).* To
40 facilitate review and evaluation of appointments, all agencies are required to
41 submit their SRP to CSC-BARMM. The ministry, office or agency SRP shall be
42 used as one of the bases for determining whether agencies observe the policy on
43 the three-salary grade limitation on promotion as herein provided.
44

1 **Article 143.** *Submission of Agency Merit Selection Plan (MSP).* All
 2 Bangsamoro ministries, offices or agencies shall submit their Agency MSP to the
 3 CSC-BARMM, which shall take effect immediately upon approval. All subsequent
 4 amendments shall take effect immediately upon approval by the CSC-BARMM.
 5

6 **Article 144.** *Signed MSP, a Valid and Binding Contract.* The ministry,
 7 office or agency MSP signed by the head of the agency shall be considered as a
 8 valid contract binding among the head of agency, the employees and the CSC.
 9 As such, non-compliance by the agency with the policies and procedures
 10 provided therein shall be considered as a ground for disapproval/invalidation of
 11 appointment. The same can be a ground for administrative disciplinary action
 12 against the official or employee who caused the violation.
 13

14
 15 **Chapter VII**
 16 **MODES OF SEPARATION**
 17

18 **Article 145.** *Resignation Defined.* Resignation is an act of an official or
 19 employee by which he/she voluntarily relinquishes in writing his/her position
 20 effective on a specific date which shall not be less than thirty (30) days from the
 21 date of such notice or earlier as mutually agreed upon by the employee and the
 22 appointing officer/authority. To constitute a complete and operative resignation
 23 of an official or employee, there must be a written intention to relinquish the
 24 office, the acceptance by the appointing officer/authority and a written notice of
 25 such acceptance duly served to the official or employee concerned.
 26

27 Resignation shall be governed by the following rules:

28
 29 a. An official or employee is deemed to have tendered his/her
 30 resignation upon receipt by the appointing officer/authority of the
 31 former's written resignation;
 32

33 b. Pending receipt by the official or employee of the action taken by the
 34 appointing officer/authority on the resignation, the official or employee
 35 shall remain in office and retain all the powers, duties and responsibilities
 36 appurtenant thereto;
 37

38 c. The appointing officer/authority shall act on the notice of
 39 resignation within thirty (30) days from receipt thereof. In case the
 40 resignation of the official or employee remains unacted upon for thirty
 41 (30) days from receipt of the formal letter of resignation by the appointing
 42 officer/authority, it shall be deemed complete and operative on the
 43 specified date of effectivity or thirty (30) days from submission thereof, in
 44 cases where the effectivity date is not specified. It is understood, however,
 45 that the required clearance from money, property and work-related

1 accountabilities shall be secured by the official or employee before or
2 immediately after the date of effectivity of resignation;

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

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

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

15
16 2. When it is necessary to prevent loss of life or property or in case
17 of imminent danger to public safety due to an actual or impending
18 emergency caused by serious accidents, fire, flood, typhoon,
19 earthquake, epidemic or other disaster or calamity; and

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 officer/authority
28 to act and furnish copy of the written action on the tendered resignation
29 falls on a holiday or non-working day, copy of the written action shall be
30 furnished the official or employee concerned on the next working day
31 immediately following a holiday or non-working day;

32
33 g. The official or employee concerned may withdraw the tender of
34 resignation any time prior to receipt of notice of acceptance of the
35 resignation from the appointing officer/authority or before the lapse of
36 the thirty (30)-day period given for the latter to act on the resignation,
37 whichever comes first;

38
39 h. Until the resignation is accepted, the tender of resignation is
40 revocable. Once the resignation is deemed complete and operative, the
41 withdrawal thereof shall not automatically restore the employee to
42 his/her former position;

43
44 i. The following documents shall be submitted to the CSC-BARMM
45 within thirty (30) calendar days from the date of the effectivity of the
46 resignation, for record purposes:

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

6 2. The acceptance of resignation in writing by the agency head
7 or appointing officer/authority which shall indicate the date of
8 effectivity of the resignation; and
9

10 3. The proof of notice of the acceptance of resignation to the
11 employee.
12

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

17 **Article 146.** *Dismissal Defined.* Dismissal is the termination or the act of
18 being discharged from employment or service for cause. It is the definite
19 severance of an officer or employee from government service on the initiative of
20 the agency or office, CSC, Ombudsman, or regular courts.
21

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

29 **Article 147.** *Other Modes.* For other modes of separation such as
30 dropping from the rolls, termination/expiration of temporary, coterminous,
31 contractual or casual appointment, retirement, or death, a copy of the order of
32 dropping from the rolls or notice of separation signed by the appointing
33 officer/authority stating the date of such separation, or the death certificate shall
34 be submitted by the HRMO to the CSC-BARMM within thirty (30) calendar days
35 from the date of the effectivity of the dropping from the rolls, date of separation,
36 or death for record purposes.
37

38
39
40 **Chapter VIII**
41 **DISAPPROVAL, INVALIDATION AND RECALL**
42 **OF APPROVAL/VALIDATION OF APPOINTMENTS**
43

44 **Article 148.** *Grounds for Disapproval or Invalidation.* The following are
45 the grounds for disapproval or invalidation of an appointment:
46

- 1 a. The appointee does not meet the qualification standards for the
2 position;
3
- 4 b. The appointee has been dismissed for cause as enumerated in Section
5 50 (A), Rule 10 of the 2017 RACCS or has been found guilty of a crime
6 where perpetual/temporary disqualification from appointment is
7 attached to the penalty thereof, unless an executive clemency has
8 been granted;
9
- 10 c. The appointee has intentionally made a false statement of any
11 material fact or has practiced or attempted to practice any deception
12 or fraud in connection with his/her appointment;
13
- 14 d. The appointment has been issued in violation of the CSC-approved
15 Merit Selection Plan of the agency;
16
- 17 e. The contractual/casual appointment has been issued to fill a vacant
18 position in the plantilla of personnel or the contractual/casual
19 appointee will perform the duties and responsibilities of the vacant
20 position; or
21
- 22 f. The appointment has been issued in violation of existing Civil Service
23 Law, rules and regulations, the Board/Bar, Local Government Code
24 of 1991 (RA No. 7160), Publication Law (RA No. 7041), the Omnibus
25 Election Code (BP Blg. 881, as amended) and other pertinent laws.
26

27 **Article 149.** *Termination of Services.* When an appointment is
28 disapproved/invalidated, the services of the appointee shall be terminated after
29 fifteen (15) days from receipt of the letter/decision disapproving/invalidating the
30 appointment, unless a motion for reconsideration or appeal is seasonably filed.
31

32 **Article 150.** *Appointment Deemed Effective Pending Affirmation of*
33 *Disapproval/Invalidation.* If the appointment, regardless of the status, is
34 disapproved/invalidated on grounds which do not constitute a violation of
35 pertinent laws as provided in Article 144 of this Code, the same is considered
36 effective until the disapproval/invalidation is affirmed by the CSC-BARMM or
37 the Commission. The services rendered shall be credited as government services
38 and the appointee shall be entitled to the payment of salaries from the
39 government as a de facto officer. However, the pendency of the appeal on
40 disapproved/invalidated temporary, contractual and casual appointments shall
41 not extend the period of effectivity thereof as provided for in the appointment
42 forms.
43

44 In order for the appointee to be considered as de facto officer, the
45 following elements must concur:
46

- 1 a. There must be a *de jure* office. - The position is under an existing and
2 legally recognized division, office, organization, Plantilla of
3 Position/staffing Pattern;
4
- 5 b. There must be color of right or general acquiescence by the public. -
6 It must be derived from an election or appointment, however irregular
7 or informal, so that the incumbent is not a mere volunteer. The
8 appointee only assumed the duties and responsibilities of the position
9 because he/she was issued his/her appointment paper; and
10
- 11 c. There must be actual physical possession of the office in good faith.
12 The appointee has the presumption that the appointment issued to
13 him/her is in compliance with Civil Service Law and rules.
14

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

23 If an appeal on a disapproved/invalidated appointment is granted by the
24 CSC-BARMM or by the Commission, the dispositive portion of the CSC-BARMM
25 or Commission Resolution shall state that the actual services rendered by the
26 appointee are deemed included in his/her service record, without the need to file
27 a request for accreditation of service.
28

29 **Article 151.** *Liability of Appointing Authority.* When the disapproval/
30 invalidation of the appointment is attributable to the appointing authority, the
31 latter shall be personally liable for the salary of an appointee paid after the CSC
32 has finally disapproved/ invalidated the appointment. Such liability over the
33 salaries of the disqualified appointive personnel shall be without prejudice to
34 other administrative and criminal liability.
35

36 **Article 152.** *Reversion to position.* An employee whose promotional
37 appointment is disapproved/invalidated shall be reverted to his/her former
38 position, if applicable.
39

40 **Article 153.** *Appointments Made by Outgoing Elective Officials.* All
41 appointments issued after an election up to June 30 by outgoing elective
42 appointing officer/authority shall be disapproved/invalidated unless all the
43 following requisites relative to their issuance are met:
44

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

17 **Article 154.** *Appointments Made by Outgoing Appointive Officials.* All
18 appointments issued after a Bangsamoro Regional election up to June 30 by an
19 appointive appointing officer/authority coterminous with the Chief Minister
20 shall be disapproved/invalidated, unless all the requisites as provided in Article
21 153 hereof relative to their issuance are met.
22

23 **Article 155.** *Mass Appointments.* The issuance of mass appointments of
24 more than twenty (20) appointments may be allowed provided the above
25 conditions in Articles 153 and 154 of this Code, as the case may be, are followed.
26

27 **Article 156.** *Prior Authority before Appointment.* If in the exigency of the
28 service, the outgoing appointing officer/authority, whether elective or appointive,
29 opts to reappoint temporary, casual and/or contractual employees or
30 appoint/reappoint substitute teachers, during reorganization, etc., after the
31 elections or before June 30 of an election year, prior authority must be obtained
32 from the concerned CSC-BARMM; otherwise, such appointments shall be
33 disapproved/invalidated.
34

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

39 **Article 157.** *Recall of Appointment.* Notwithstanding the initial
40 approval/validation of an appointment, the same may be recalled by the CSC-
41 BARMM or by the Commission on any of the following grounds:
42

- 43 a. Non-compliance with the procedures/criteria provided in CSC-
44 approved agency Merit Selection Plan;
45
- 46 b. Failure to pass through the agency's BPSB; or

1
2 c. Violation of existing Civil Service Law, rules and regulations.
3

4 **Article 158.** *Effect of Appointment Already Accepted by the Appointee.*

5 The appointing officer/authority shall not withdraw or revoke an appointment
6 already accepted by the appointee. Such appointment shall remain in full force
7 and effect until disapproved/invalidated by the Commission. However, in case
8 an appointment is void from the beginning due to fraud on the part of the
9 appointee or because it was issued in violation of law, the proper appointing
10 officer/authority may request the Commission for its withdrawal or revocation.
11 Provided that if a protest on the appointment is filed, the Rules on Protest under
12 the 2017 RACCS shall apply.
13

14 **Article 159.** *Executive Clemency.* No person who has been dismissed or
15 perpetually excluded/disqualified from government service shall be appointed or
16 reemployed unless he/she has been granted executive clemency by the President
17 of the Philippines upon recommendation of the Commission.
18

19 **Article 160.** *Prohibited Promotion.* Promotion within six (6) months prior
20 to compulsory retirement shall not be allowed except as otherwise provided by
21 law.
22

23 **Article 161.** *Appointment after Compulsory Retirement Age Not Allowed;*
24 *Exception.* No person who has reached the compulsory retirement age of sixty-
25 five (65) years can be appointed to any position in the government, except to a
26 primarily confidential position.
27

28 A person appointed to a primarily confidential position who reaches the
29 age of sixty-five (65) is considered automatically extended in the service until the
30 expiry date of his/her appointment or until his/her services are earlier
31 terminated.
32

33 The extension of service of a person who will reach the compulsory
34 retirement age of 65 years may be allowed for a period of six (6) months and in
35 meritorious circumstances may be extended for another six (6) months. The
36 request for extension shall be made by the Head of Office. The same shall be filed
37 with the Commission not later than three (3) months prior to the date of the
38 official/employee's compulsory retirement. Services rendered during the period
39 of extension shall no longer be credited as government service.
40

41 However, for one who will complete the fifteen (15) years of service
42 required under the GSIS Law, a maximum period of two (2) years may be allowed.
43 Services rendered during the period of extension shall be credited as part of
44 government service for purposes of retirement. The official or employee, may file
45 the request of extension of service.
46

1 The request shall be submitted to the Commission with the following
2 documents:

- 3
- 4 a. Request for extension of service signed by the head of
5 office/appointing officer/authority or the employee in case of
6 extension to complete the 15-year service required under the GSIS
7 Law, containing the justifications for the request;
8
- 9 b. Certification by a licensed government physician that the employee
10 subject of the request is still mentally and physically fit to perform
11 the duties and functions of his/her position;
12
- 13 c. Certified true copy of the employee's Certificate of Live Birth;
14
- 15 d. Clearance of no pending administrative case issued by the CSC, Office
16 of the Ombudsman and agency concerned;
17
- 18 e. Service record of the employee, if the purpose of the extension is to
19 complete the fifteen (15)-year service requirement under the GSIS law;
20
- 21 f. Certification from the GSIS on the Total Length of Service (TLS) of the
22 employee for those who are completing the fifteen (15)-year service
23 requirement;
24
- 25 g. Certified true copy of the updated Plantilla of Personnel issued by the
26 agency HRM Officer; and
27
- 28 h. Proof of payment of the filing fee.
29

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

37 During the period of extension, the employee on service extension shall
38 be entitled to salaries and salary increases, allowances, and other remunerations
39 that are normally considered part and parcel of an employee's compensation
40 package subject to the existing regulations on the grant thereof, except step
41 increments. The employee shall also be entitled to fifteen (15) days vacation and
42 fifteen (15) days sick leave annually, provided that the same are not commutative
43 and cumulative.
44

45 **Article 162.** *Prohibited Transfer or Appointment.* Unless allowed by the
46 Commission in meritorious cases, heads of oversight agencies and their staff are

1 prohibited from transferring or being appointed to any position in the ministry,
2 office, agency or local government unit which their unit is assigned or designated
3 to oversee within one year after the termination of such assignment or
4 designation.

5
6 **Article 163.** *Limitation to Performance of Duties.* No person appointed to
7 a position in the non-career service shall perform the duties properly belonging
8 to any position in the career service.

9
10 **Article 164.** *Limitation to Designation.* No consultant, contractual, non-
11 career or detailed employee shall be designated to a position exercising control
12 or supervision over regular and career employees, except as may be provided by
13 law.

14
15 **Article 165.** *Contract of Service Employees.* No institutional or individual
16 contract of service employees shall be made to perform functions pertaining to
17 regular positions nor be designated to positions exercising control or supervision
18 over regular and career employees.

19
20 **Article 166.** *Discrimination in Whatever Form Prohibited.* No
21 discrimination shall be exercised, threatened or promised against or in favor of
22 any person examined or to be examined or employed by reason of his/her
23 political or religious opinions or affiliations, sex, sexual orientation and gender
24 identity, civil status, age, disability, or ethnicity.

25
26 **Article 167.** *Changes in Designation or Nomenclature Not Allowed.* No
27 changes in designation or nomenclature of positions resulting in promotion or
28 demotion in rank or increase or decrease in compensation shall be allowed in
29 LGUs, except when the position is actually vacant.

30
31 **Article 168.** *Prohibited Private Business or Practice of Profession;*
32 *Exemptions.* No officer or employee, whether in a permanent or regular capacity,
33 temporary, casual, or hold-over, shall engage directly or indirectly in any private
34 business or practice of profession. Exemptions may be allowed, subject to the
35 limitations provided under RA No. 6713 and other special laws. Provided, further
36 that the following requirements/conditions are met:

- 37
38 a. Written permission from head of ministry, office, or agency must be
39 secured and renewed annually;
40
41 b. Time devoted outside of office hours shall not impair in any way the
42 efficiency of the officer or employee nor pose a conflict or tend to
43 conflict with the official functions and must be fixed by the head of
44 agency; and
45

- 1 c. Government facilities, equipment and supplies shall not be used while
2 engaged in private business or practice of profession.
3

4 Provided That, the above prohibition shall be subject to Section 17 Article
5 7 of RA 11054.
6

7 **Article 169.** *Dual Citizenship not Allowed in Government Service.* A
8 person with dual citizenship shall not be appointed in the government unless
9 he/she renounces his/her foreign citizenship pursuant to the provisions of
10 Republic Act No. 9225. However, even if he/she has renounced his/her foreign
11 citizenship, but continues to use his/her foreign passport in travelling after
12 renunciation, he/she shall not be considered for appointment in the government
13 service.
14

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

18 **Article 170.** *Candidates or Those Occupying Public Positions and/or in*
19 *Active Service in Foreign Countries Not eligible for Appointment.* The right to be
20 appointed to any public office in the Philippines cannot be exercised by, or
21 extended to, those who are candidates for or are occupying any public office in
22 the country of which they are naturalized citizens and/or are in active service as
23 commissioned or non-commissioned officers in the armed forces of the country
24 of which they are naturalized citizen.
25
26
27

28 **BOOK III**
29 **CONDUCT OF CIVIL SERVANTS**
30

31 **Chapter I**
32 **CIVIL SERVANTS**
33

34 **Article 171.** *Norms of Conduct of Civil Servants of the Bangsamoro*
35 *Government.* (A) Every public official and employee in the Bangsamoro
36 Government shall observe the following as standards of personal conduct in the
37 discharge and execution of official duties:
38

- 39 a. *Commitment to public interest.* - Public officials and employees shall
40 always uphold the public interest over and above personal interest.
41 All Bangsamoro Government resources and powers of their respective
42 offices must be employed and used efficiently, effectively, honestly
43 and economically, particularly to avoid wastage in public funds and
44 revenues.
45

- 1 b. *Professionalism.* - Public officials and employees shall perform and
2 discharge their duties with the highest degree of excellence,
3 professionalism, intelligence and skill. They shall enter public service
4 with utmost devotion and dedication to duty. They shall endeavor to
5 discourage wrong perceptions of their roles as dispensers or peddlers
6 of undue patronage.
7
- 8 c. *Justness and sincerity.* - Public officials and employees shall remain
9 true to the people at all times. They must act with justness and
10 sincerity and shall not discriminate against anyone, especially the
11 poor and the underprivileged. They shall at all times respect the rights
12 of others, and shall refrain from doing acts contrary to law, *Adat* or
13 the Moro or non-Moro indigenous people's customary law, good
14 morals, good customs, public policy, public order, public safety and
15 public interest. They shall not dispense or extend undue favors on
16 account of their office to their relatives whether by consanguinity or
17 affinity except with respect to appointments of such relatives to
18 positions considered strictly confidential or as members of their
19 personal staff whose terms are coterminous with theirs.
20
- 21 d. *Political neutrality.* - Public officials and employees shall provide
22 service to everyone without unfair discrimination and regardless of
23 party affiliation or preference.
24
- 25 e. *Responsiveness to the public.* - Public officials and employees shall
26 extend prompt, courteous, and adequate service to the public. Unless
27 otherwise provided by law or when required by the public interest,
28 public officials and employees shall provide information of their
29 policies and procedures in clear and understandable language,
30 ensure openness of information, public consultations and hearings
31 whenever appropriate, encourage suggestions, simplify and
32 systematize policy, rules and procedures, avoid red tape including
33 undue and unreasonable delay in the delivery of government services
34 and the conduct of government affairs, and develop an understanding
35 and appreciation of the socio-economic conditions prevailing in the
36 country, especially in the depressed rural and urban areas. This
37 includes compliance with R.A. 11106, the Filipino Sign Language Act.
38
- 39 f. *Nationalism and patriotism.* - Public officials and employees shall at
40 all times be loyal to the Republic, the Bangsamoro and to the Filipino
41 people, promote the use of locally produced goods, resources and
42 technology and encourage appreciation and pride of country and
43 people. They shall endeavor to maintain and defend Philippine
44 sovereignty against foreign intrusion. This includes respect for
45 Filipino Language as the national sign language.
46

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

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

38 **Article 172.** *Duties of Public Officials and Employees.* - In the
39 performance of their duties, all public officials and employees are under
40 obligation to:

- 41
- 42 (a) Act promptly on letters and requests:
- 43 i. All applications or requests submitted shall be acted upon by
44 the assigned officer or employee within the prescribed processing
45 time stated in the Citizen's Charter which shall not be longer than

1 three (3) working days in the case of simple transactions and seven
2 (7) working days in the case of complex transactions from the date
3 the request and/or complete application or request was received;

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

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

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

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

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

1 or request, without prejudice to other grounds provided in this Act
2 or other pertinent laws;

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

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

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

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

34 xi. Identification Card. - All employees transacting with the
35 public shall be provided with an official identification card which
36 shall be visibly worn during office hours. The identification cards
37 must include the full name of the employee, the employee's
38 position, title, name of office and the office seal or logo. The
39 information on the identification card must be readable, such that
40 the officials and employees concerned can be easily identified by
41 the applicant or requesting party. For ministries, offices and
42 agencies where an identification card is not used, the officers and

1 employees must wear name plates or other means of identification;
2 and

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

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

13
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 practicable,
17 not more than three (3) signatories therein. In the absence of duly
18 authorized signatories, the official next-in-rank or officer in charge shall
19 sign for and in their behalf;

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

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

29
30 **Article 173.** *System of Incentives and Rewards.* - A system of annual
31 incentives and rewards is hereby established in order to motivate and inspire
32 public servants to uphold the highest standards of ethics. For this purpose, a
33 Bangsamoro Committee on Awards to Outstanding Public Officials and
34 Employees is hereby created composed of the following: Senior Deputy Chief
35 Minister as chairman, Bangsamoro Mufti, representative holding a position of
36 responsibility from an accredited non-government organization, and two
37 representatives from organizations of Bangsamoro Government employees one
38 each from the second and first level positions to be appointed by the Chief
39 Minister from the nominees of their respective Boards.

40
41 It shall be the task of this Committee to conduct a periodic, continuing
42 review of the performance of public officials and employees, in all the ministries,
43 offices, and agencies of the Bangsamoro Government, as well as the Parliament,
44 and establish a system of annual incentives and rewards to the end that due

1 recognition is given to public officials and employees of outstanding merit on the
2 basis of the standards set forth in this Code.

3
4 The system of annual incentives and awards shall cover all elective officials
5 and appointive officials and employees holding permanent, temporary,
6 coterminous, contractual and casual status of employment in the Bangsamoro
7 government.

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

22
23 **Article 174.** The Bangsamoro Government may adopt the provision of
24 Performance Based Bonus (PBB) in BARMM similar to that implemented by the
25 National Government. The purpose of said program is to give recognition to the
26 top performing agencies and employees for exemplary performance in the
27 discharge of their mandated functions and responsibilities.

28
29 The Bangsamoro Government may formulate its own guidelines consistent
30 with the policies of the Ministry of Finance, Budget and Management in the
31 granting of the PBB.

32
33 **Article 175.** *Prohibited Acts and Transactions.* - In addition to acts and
34 omissions of public officials and employees now prescribed in the Constitution
35 and existing laws, the following shall constitute prohibited acts and transactions
36 of any public official and employee and are hereby declared to be unlawful:

37
38 (a) Financial and material interest. - Public officials and employees shall
39 not, directly or indirectly, have any financial or material interest in any
40 transaction requiring the approval of their office;

41
42 (b) Outside employment and other activities related thereto. - Public
43 officials and employees during their incumbency shall not:

44
45 (1) Own, control, manage or accept employment as officer, employee,
46 consultant, counsel, broker, agent, trustee or nominee in any private

1 enterprise regulated, supervised or licensed by their office unless
2 expressly allowed by law;

3
4 (2) Engage in the private practice of their profession unless
5 authorized by the Constitution or law, provided, that such practice
6 will not conflict or tend to conflict with their official functions; or
7

8 (3) Recommend any person to any position in a private enterprise
9 which has a regular or pending official transaction with their office.
10

11 These prohibitions shall continue to apply for a period of one (1) year
12 after resignation, retirement, or separation from public office, except
13 in the case of subparagraph (b) (2) above, but the professional
14 concerned cannot practice his profession in connection with any
15 matter before the office he used to be with, in which case the one-
16 year prohibition shall likewise apply.
17

18 (c) Disclosure and/or misuse of confidential information. - Public officials
19 and employees shall not use or divulge, confidential or classified
20 information officially known to them by reason of their office and not
21 made available to the public, either:
22

23 (1) To further their private interests, or give undue advantage to
24 anyone; or
25

26 (2) To prejudice the public interest.
27

28 (d) Solicitation or acceptance of gifts. - Public officials and employees
29 shall not solicit or accept, directly or indirectly, any gift, gratuity, favor,
30 entertainment, loan or anything of monetary value from any person in
31 the course of their official duties or in connection with any operation
32 being regulated by, or any transaction which may be affected by the
33 functions of their office.
34

35 Nothing in this Code shall be construed to restrict or prohibit any
36 educational, scientific or cultural exchange programs subject to national
37 security requirements.
38

39 **Article 176. Statements and Disclosure.** - Public officials and employees
40 have an obligation to accomplish and submit declarations under oath of, and the
41 public has the right to know, their assets, liabilities, net worth and financial and
42 business interests including those of their spouses and of unmarried children
43 under eighteen (18) years of age living in their households.
44

45 (A) *Statements of Assets and Liabilities and Financial Disclosure.* - All
46 public officials and employees, except those who serve in an honorary

1 capacity, laborers and casual or temporary workers, shall file under oath
2 their Statement of Assets, Liabilities and Net Worth and a Disclosure of
3 Business Interests and Financial Connections and those of their spouses
4 and unmarried children under eighteen (18) years of age living in their
5 households.

6
7 The two documents shall contain information on the following:

- 8
9 (a) Real property, its improvements, acquisition costs, assessed
10 value and current fair market value;
11
12 (b) Personal property and acquisition cost;
13
14 (c) All other assets such as investments, cash on hand or in banks,
15 stocks, bonds, and the like;
16
17 (d) Liabilities, and;
18
19 (e) All business interests and financial connections.

20
21 The documents must be filed:

- 22
23 (a) Within thirty (30) days after assumption of office;
24
25 (b) On or before April 30, of every year thereafter; and
26
27 (c) Within thirty (30) days after separation from the service.

28
29 All public officials and employees required under this section to file
30 the aforestated documents shall also execute, within thirty (30) days from
31 the date of their assumption of office, the necessary authority in favor of
32 the Ombudsman to obtain from all appropriate Bangsamoro Government
33 agencies, including the Bureau of Internal Revenue, such documents as
34 may show their assets, liabilities, net worth, and also their business
35 interests and financial connections in previous years, including, if
36 possible, the year when they first assumed any office in the Government.

37
38 Husband and wife who are both public officials or employees may
39 file the required statements jointly or separately.

40
41 The Statements of Assets, Liabilities and Net Worth and the
42 Disclosure of Business Interests and Financial Connections shall be filed
43 by:

- 44
45 (1) Chief Minister, Deputy Chief Ministers, Ministers and
46 members of Parliament, with the Deputy Ombudsman for Mindanao;

1
2 (2) *Shari'ah* Justices, with the Clerk of Court of the Supreme
3 Court; *Shari'ah* Judges, with the Court Administrator;
4

5 (3) Regional and local officials and employees, with the Deputy
6 Ombudsman for Mindanao;
7

8 (4) All other public officials and employees, defined in Republic
9 Act No. 3019, as amended, with the Civil Service Commission.
10

11 (B) *Identification and disclosure of relatives.* - It shall be the duty of every
12 public official or employee to identify and disclose, to the best of his
13 knowledge and information, his relatives in the Bangsamoro Government
14 and National Government in the form, manner and frequency prescribed
15 by the Civil Service Commission.
16

17 (C) *Accessibility of documents.* - (1) Any and all statements filed under
18 this Code, shall be made available for inspection at reasonable hours.
19

20 (2) Such statements shall be made available for copying or
21 reproduction after ten (10) working days from the time they are filed
22 as required by law.
23

24 (3) Any person requesting a copy of a statement shall be required to
25 pay a reasonable fee to cover the cost of reproduction and mailing of
26 such statement, as well as the cost of certification,
27

28 (4) Any statement filed under this Code shall be available to the public
29 for a period of ten (10) years after receipt of the statement. After such
30 period, the statement may be destroyed unless needed in an ongoing
31 investigation.
32

33 (5) The pertinent provisions of Executive Order No. 2 series of 2016
34 (Freedom of Information) shall be observed.
35

36 (D) *Prohibited acts.* - It shall be unlawful for any person to obtain or use
37 any statement filed under this article for:
38

39 (a) Any purpose contrary to morals or public policy; or
40

41 (b) Any commercial purpose other than by news and communications
42 media for dissemination to the general public.
43

44 **Article 177. *Divestment.*** - A public official or employee shall avoid
45 conflicts of interest at all times. When a conflict of interest arises, he shall resign
46 from his position in any private business enterprise within thirty (30) days from

1 his assumption of office and/or divest himself of his shareholdings or interest
2 within sixty (60) days from such assumption.

3
4 The same rule shall apply where the public official or employee is a
5 partner in a partnership.

6
7 The requirement of divestment shall not apply to those who serve the
8 Bangsamoro Government in an honorary capacity nor to laborers and casual or
9 temporary workers.

10
11 a. Conflict of Interest occurs:

12
13 1. When the official or employee is:

- 14
15 i. a substantial stockholder; or
16
17 ii. a member of the Board of Directors; or
18
19 iii. an officer of the corporation; or
20
21 iv. an owner or has substantial interest in a business; or
22
23 v. a partner in a partnership; and
24

25 2. The interest of such corporation or business, or his rights or duties
26 therein, are opposed to or affected by the faithful performance of
27 official duty.

28
29 b. A substantial stockholder is any person who owns, directly or
30 indirectly, shares of stock sufficient to elect a director of a corporation.
31 This term shall also apply to the parties to a voting trust; and
32

33 c. A voting trust means an agreement in writing between one or more
34 stockholders of a stock corporation for the purpose of conferring upon a
35 trustee or trustees the right to vote and the other rights pertaining the
36 shares for certain periods and subject to such other conditions provided
37 for in the Corporation Law.

38
39
40 **Chapter II**
41 **PROHIBITIONS**
42

43 **Article 178.** *One (1) Year Ban for Losing Candidates.* A person who lost
44 in an election, except Barangay election, shall not be eligible for appointment or
45 reemployment to any office in the government or government-owned or
46 controlled corporation within one (1) year following such election.

1
2 **Article 179.** *Ipsa Facto Resignation.* A person holding a public appointive
3 office or position, shall be considered ipso facto resigned from his/her office upon
4 filing of the certificate of candidacy. He/she must vacate the same at the start of
5 the day of the filing of the certificate of candidacy with the Bangsamoro Electoral
6 Office, even if later on disqualified or has withdrawn the certificate for candidacy.
7 This prohibition extends to private citizens appointed as board members in
8 public offices representing the private sector.

9
10 **Article 180.** *Six (6) Month Ban on Reemployment.* An employee who
11 resigned from the government service during the three (3)-month period before
12 any election to promote the candidacy of another shall not be reemployed during
13 the six-month period following such election.

14
15 **Article 181.** *Political Activity.* No officer or employee in the BARMM Civil
16 Service, shall engage directly or indirectly in any partisan political activity or
17 take part in any election except to vote nor shall he/she use his/her official
18 authority or influence to coerce the political activity of any other person or body.
19 Nothing herein provided shall be understood to prevent any officer or employee
20 from expressing his/her views on current political problems or issues, or from
21 mentioning the names of candidates for public office whom he supports:
22 *provided*, that public officers and employees holding political offices may take
23 part in political and electoral activities but it shall be unlawful for them to solicit
24 contributions from their subordinates or subject them to any of the acts involving
25 subordinates prohibited in the BARMM Election Code.

26
27 **Article 182.** *Additional or Double Compensation.* No elective or appointive
28 public officer or employee shall receive additional or double compensation unless
29 specifically authorized by law nor accept without the consent of the President,
30 any present, emolument, office, or title of any kind from any foreign state.

31
32 Pensions and gratuities shall not be considered as additional, double or
33 indirect compensation.

34
35 **Article 183.** *Limitations on Employment of Laborers.* Laborers, whether
36 skilled, semi-skilled or unskilled, shall not be assigned to perform clerical duties.

37
38 **Article 184.** *Prohibition on Detail or Reassignment.* No detail or
39 reassignment whatever shall be made within three (3) months before any election
40 unless authorized by the COMELEC through the Bangsamoro Electoral Office.

41
42 **Article 185.** *Coverage of Nepotism.* The nepotism rule covers all kinds of
43 appointments whether original, promotion, transfer, and reemployment
44 regardless of status, including casual, contractual and coterminous but are not
45 primarily confidential. This rule shall also apply to designation.

1 **Article 186.** *Nepotism.* All appointments in any ministry,
2 instrumentality, or office in BARMM, including government-owned or controlled
3 corporations, made in favor of a relative of the appointing or recommending
4 authority, or of the head or chief of the bureau or office, or of the persons
5 exercising immediate supervision over him/her, are hereby prohibited.
6

7 As used in this article, the word “relative” and members of the family
8 referred to are those related within the third degree either of consanguinity or of
9 affinity.
10

11 **Article 187.** *Exemption from the Rules on Nepotism.* The following are
12 exempted from the operation of the rules on nepotism in the BARMM: (a) persons
13 employed in a confidential capacity, (b) teachers, (c) physicians, (d) scientific and
14 technology personnel under RA 8439, (e) personal security of appointive and
15 elective officials: *Provided,* however, that in each particular instance full report
16 of such appointment shall be made to the CSC-BARMM.
17

18 The restriction mentioned in Article 180 shall not be applicable to the
19 case of a member of any family who, after his or her appointment to any position
20 in an office or bureau, contracts marriage with someone in the same office or
21 bureau, in which event the employment or retention therein of both husband
22 and wife may be allowed.
23

24 In order to give immediate effect to these provisions, cases of previous
25 appointments which are in contravention hereof shall be corrected by transfer,
26 and pending such transfer, no promotion or salary increase shall be allowed in
27 favor
28

29 **Article 188.** *Nepotism in Local Government.* In the local government
30 career service, the prohibition extends to the relatives of the appointing or
31 recommending officer/authority within the fourth civil degree of consanguinity
32 or affinity. However, for the non-career service in the local government, the
33 prohibition extends to the third degree either of consanguinity or of affinity of
34 the appointing or recommending officer/authority, or head of office, or of the
35 person exercising immediate supervision over the appointee.
36
37
38

39 **BOOK IV**
40 **PROTECTION OF CIVIL SERVICE ELIGIBLES**

41
42 **Chapter I**
43 **SECURITY OF TENURE**
44

45 **Article 189.** *Protection of the Security of Tenure.* It is hereby declared the
46 policy of the Bangsamoro Autonomous Region to protect the security of tenure

1 of civil service officers and employees in the various agencies in BARMM and of
2 local governments, state colleges and universities expressly authorized by law,
3 including government-owned or controlled corporations with original charters
4 within the jurisdiction of BARMM, without sacrificing the need to promote
5 morale, efficiency in the civil service.
6

7 **Article 190.** *Removal, Suspension or other Disciplinary Action.* No officer
8 or employee of the civil service shall be removed, suspended, or otherwise
9 subjected to disciplinary action except for cause provided by law.
10

11 **Article 191.** *Notice and Hearing Required.* No officer or employee in the
12 career service shall be removed or suspended or otherwise subjected to
13 disciplinary action, except for a valid cause and after due notice and hearing.
14

15 **Article 192.** *Roster of Bangsamoro Eligibles.* The Bangsamoro Government
16 shall establish a Roster of Bangsamoro Eligibles which shall be used as reference
17 by the different ministries, offices, or agencies in case of vacancies of positions.
18 Persons who have been appointed permanently to positions in the career service
19 and who have been separated as a result of reduction in force and/or
20 reorganization shall automatically be entered into the Roster of Bangsamoro
21 Eligibles and shall be prioritized for purposes of re-employment.
22

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Chapter II

RIGHT TO SELF-ORGANIZATION

38 **Article 193.** *General Policy.* The right to self- organization shall not be
39 denied to government employees.
40

41 **Article 194.** *Self-organization.* All Bangsamoro government employees
42 can form, join or assist employees' organizations of their own choosing for the
43 furtherance and protection of their interests. They can also form, in conjunction
44 with appropriate government authorities, labor-management committees, works
45 councils and other forms of workers' participation schemes to achieve the same
46 objectives.
47

48 **Article 195.** *Disqualified Employee.* High-level employees whose
49 functions are normally considered as policy-making or managerial or whose
50 duties are of a highly confidential nature shall not be eligible to join the
51 organization of rank-and-file Bangsamoro Government employees.
52

53 **Article 196.** *Non-Discrimination.* Bangsamoro Government employees
54 shall not be discriminated against in respect of their employment by reason of
55 their membership in employees' organizations or participation in the normal
56 activities of their organization. Their employment shall not be subject to the

1 condition that they shall not join or shall relinquish their membership in the
2 employees' organizations.

3
4 **Article 197.** *Non-Interference.* Bangsamoro government authorities shall
5 not interfere in the establishment, functioning or administration of Bangsamoro
6 government employees' organizations through acts designed to place such
7 organizations under the control of Bangsamoro government authority.

8
9 **Article 198.** *Applicability of Laws.* The existing laws, rules and
10 regulations on the right to self-organization shall apply.

11
12
13 **Chapter III**
14 **HOURS OF WORK, OVERTIME, UNDERTIME**

15
16 **Article 199.** *Working Hours.* All Bangsamoro government officials and
17 employees are required to render eight (8) working hours a day for five working
18 days a week or a total of forty (40) hours a week, exclusive of time for lunch.

19
20 The normal working hours of Bangsamoro government officials and
21 employees shall be from 8:00 a.m. to 12:00 a.m. and 1:00 p.m. to 5:00 p.m.

22
23 **Article 200.** *Work Schedule Shifting.* In the exigency of the service, or
24 when necessary by the nature of the work of a particular ministry, office or
25 agency and upon representations with the Commission by the Ministry heads
26 concerned, requests for the rescheduling or shifting of work schedule for a
27 number of working days lesser than the required five (5) days may be allowed
28 provided that Bangsamoro Government officials and employees render a total of
29 forty hours a week and provided further that the public is assured of core
30 working hours of eight in the morning to five in the afternoon continuously for
31 the duration of the entire work week.

32 **Article 201.** *Flexible Working Hours.* In the event Bangsamoro officials and
33 employees elect to adopt flexi-time in reporting for work, in no case shall the
34 working hours be reduced.

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

40
41 Ministers of Ministries, heads of offices and agencies shall have the
42 authority to approve office working hours, provided that in such working hours
43 officials and employees shall render not less than eight hours a day for five days
44 a week for a total of forty hours. The Flexible Working Hours adopted by the

1 official or employee shall thereafter be his regular working hours which cannot
2 be occasionally or periodically changed at his convenience.

3
4 A report of flexible working hours adopted by the ministry, office or agency
5 shall be submitted to the CSC-BARMM within thirty (30) days of its
6 implementation.

7
8 Employees shall have the option to work during Sundays and be allowed
9 to choose Friday as a compensatory day-off, subject to the approval of the head
10 of office who shall see to it that it shall not hamper government operation.

11
12 **Article 202.** *Record of Attendance.* All Bangsamoro officers and
13 employees shall record their daily attendance on the proper form or, whenever
14 possible, have them registered on the bundy clock or Biometric Attendance
15 Monitoring System (BAMS). Any other means of recording attendance may be
16 allowed provided their respective names and signatures as well as the time of
17 their actual arrival to and departure from office are indicated, subject to
18 verification. This shall include those serving in the field, that is, outside the office
19 proper, and those on the water or service rendered on board a vessel as the usual
20 place of work. The Record of Attendance which shall be kept in a conspicuous
21 place, shall be in the custody of a responsible officer who shall monitor the
22 arrival, departure of officials and employees.

23
24 All other Bangsamoro officials who are not required to use the bundy
25 clock or BAMS shall hereinafter record their attendance in the manner
26 prescribed by the ministry, office, or agency and their absences shall be covered
27 with the requisite leave of absence.

28
29 **Article 203.** *Overtime Services.* When the interest of public service so
30 requires, the daily hours of work for Bangsamoro officers and employees may be
31 extended by the head of the ministry, office or agency concerned, which
32 extension shall be fixed in accordance with the nature of work. They may also
33 be requested to render overtime work which shall be paid except when rendered
34 in the exigency of the service or when service requires them to work urgently,
35 subject to existing regulations.

36
37 **Article 204.** *Non-Offsetting.* Off-setting of tardiness or absences by
38 working the equivalent number of minutes or hours by which a Bangsamoro
39 officer or employee has been tardy beyond the regular or approved working hours
40 of the employees concerned shall not be allowed.

41
42 **Article 205.** *Undertime.* Any Bangsamoro employee who incurs
43 undertime regardless of the number of minutes/hours, ten (10) times a month
44 in a semester or at least two (2) consecutive months during the year shall be
45 subject to administrative sanctions prescribed under CSC MC No.04, s. 1991
46 (Policy on Absenteeism and Tardiness).

1
2
3 **Chapter IV**
4 **REHABILITATION PRIVILEGE**
5

6 **Article 206.** *Coverage.* All Bangsamoro personnel with permanent,
7 temporary, casual or contractual appointments, including those with fixed terms
8 of office, may avail themselves of the Rehabilitation Privilege during their
9 employment. Consultants and those hired under contract of service or job order
10 cannot avail themselves of the privilege because they are not government
11 employees.
12

13 **Article 207.** *Availment.* Bangsamoro officials and employees may be
14 entitled to the Rehabilitation Privilege for a maximum period of six (6) months
15 for wounds and/or injuries sustained while in the performance of official duties.
16 The duration, frequency and terms of availing of the privilege shall be based on
17 the recommendation of medical authority. Hence, availing of the privilege may
18 be for less than six (6) months, or may be on half-time basis or an intermittent
19 schedule as determined by medical authorities provided that the cumulative
20 total period of availing of the privilege will not exceed six (6) months.
21

22 Illness or sickness resulting from or aggravated by working conditions or
23 the environment cannot be a basis for availing of the Rehabilitation Privilege even
24 if the same may be compensable under the law and regulations of the Employees
25 Compensation Commission (ECC).
26

27 **Article 208.** *Performance of Duty.* For availing oneself of the
28 Rehabilitation Privilege, performance of duty means situation wherein the official
29 or employee was already at work. The same privilege may be extended to officials
30 and employees in situations where the official or employee meets an accident
31 while engaged in activities inherent to the performance of his or her duties,
32 including being on Official Business outside of his or her station, Official Travel,
33 authorized Overtime, Detail Order, and Special Assignment Orders.
34

35 Injuries from accidents that occurred while the official or employee was
36 going to work and going home from work may be considered sustained while in
37 the performance of official duties.
38

39 Ministry, office or agency heads, in the exercise of sound discretion, shall
40 examine and consider the prevailing or circumstantial factors or conditions of
41 the government official or employee who intends to avail himself or herself of the
42 Rehabilitation Privilege.
43

44 These may include, but shall not be limited to, the following:
45

- 1 a. Established intent on the part of the official or employee in going to
2 work from home or going home from work;
3
4 b. The official or employee is in his or her usual route in going to work
5 from home and going home from work;
6
7 c. Reasonable proximity of the accident to the place of work or agency's
8 premises; and
9
10 d. Wounds or injuries were sustained within reasonable time from
11 leaving his or her home or recorded departure from the place of work.
12

13 Other rightfully established evidence to merit the entitlement of an official
14 or employee to Rehabilitation Privilege may be considered.
15

16 **Article 209.** *Non-deduction.* Absence of work during the period of
17 Rehabilitation Privilege shall not be deducted from the accumulated sick or
18 vacation leave credited of the official or employee.
19

20 However, officials and employees while on Rehabilitation Privilege do not
21 earn and accumulate vacation leave and sick leave credits.
22

23 **Article 210.** *Benefits.* Bangsamoro officials and employees availing of the
24 Rehabilitation Privilege shall receive their salaries and regular benefits such as
25 Personnel Economic Relief Allowance (PERA), Additional Compensation
26 (AdCom), mid-year bonus, year-end bonus, and cash gift mandated by law.
27

28 They are not entitled however to benefits and privileges that are enjoyed
29 based on the actual performance of duties of positions entitled to these benefits
30 such as Representation and Transportation Allowances.
31

32 **Article 211.** *Reimbursement.* Claimants of Rehabilitation Privilege
33 benefits are entitled to reimbursement by their ministry, office or agency for first-
34 aid expenses, preferably in government facilities. Reimbursement is subject to
35 the availability of funds and shall not exceed 5,000 pesos unless expenditures
36 beyond said amount are necessary as certified by medical authorities and
37 approved by head of agency.
38

39 For this purpose, first aid refers to the basic medical treatment
40 immediately given to a person hurt in an accident.
41

42 **Article 212.** *Responsibilities of the Ministry, Office, or Agency Head.* The
43 ministry, agency head shall determine whether the injuries were incurred while
44 in the performance of duties.
45

1 The ministry, office or agency head shall be held responsible and
2 personally liable for any false or fraudulent claims and irregular availing of the
3 privilege.

4
5 The ministry, office or agency head, through the ministry, office or agency
6 medical staff and/or the HRMO, should monitor monthly the medical status of
7 the employee undergoing rehabilitation.

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9
10 **Chapter V**
11 **PROTECTION DURING GOVERNMENT REORGANIZATION**
12

13 **Article 213.** *Removal in case of Bona Fide Reorganization.* In case of
14 implementation of reorganization within BARMM, a valid cause for removal
15 exists when, pursuant to a bona fide reorganization, a position has been
16 abolished or rendered redundant or there is a need to merge, divide, or
17 consolidate positions in order to meet the exigencies of the service, or other
18 lawful causes allowed by the civil service laws. The existence of any or some of
19 the following circumstances may be considered as evidence of bad faith in the
20 removal made as a result of reorganization, giving rise to a claim for
21 reinstatement or reappointment by an aggrieved party:

- 22
- 23 a. Where there is a significant increase in the number of positions in the
24 new staffing pattern of the ministry, office or agency concerned;
 - 25
26 b. Where an office is abolished and other performing substantially the
27 same functions is created;
 - 28
29 c. Where incumbents are replaced by those less qualified in terms of
30 status of appointment, performance and merit;
 - 31
32 d. Where there is a reclassification of offices in the ministry, office or
33 agency concerned and the reclassified offices perform substantially
34 the same function as the original offices; and
 - 35
36 e. Where the removal violates the order of separation provided in Article
37 214 hereof.

38
39 **Article 214.** *Order of Removal.* In the separation of human resource
40 pursuant to reorganization, the following order of removal shall be followed:

- 41 a. Casual employees with less than five (5) years of government service;
- 42
43 b. Casual employees with five (5) years or more of government service;

- 1
2 c. Employees holding temporary appointments; and
3
4 d. Employees holding permanent appointments: provided, that those in
5 the same category as enumerated above, who are least qualified in
6 terms of performance and merit shall be laid first, length of service
7 notwithstanding
8

9 **Article 215.** *Preference of Officers and Employees Holding Permanent*
10 *Appointments.* Officers and employees holding permanent appointments shall be
11 given preference for appointment to the new positions in the approved staffing
12 pattern comparable to their former position or in case there are not enough
13 comparable positions, to positions next lower in rank.

14
15 No new employees shall be taken in until all permanent officers and
16 employees have been appointed, including temporary and casual employees who
17 possess the necessary qualification requirements, among which is the
18 appropriate civil service eligibility, for permanent appointment to positions in the
19 approved staffing pattern, in case there are still positions to be filled, unless such
20 positions are policy-determining, primarily confidential or highly technical in
21 nature.
22

23 **Article 216.** *Preference for Appointment in Other Agencies.* Officers and
24 employees holding permanent appointments shall be given preference for
25 appointment in other agencies if they meet the qualification requirements of the
26 positions therein.
27

28 **Article 217.** *Creation of Placement Committee.* In order that the best
29 qualified and most deserving persons shall be appointed in any reorganization,
30 there shall be created a Placement Committee in each appointment shall be given
31 preference for appointment in the judicious selection and placement of human
32 resource. The Committee shall consist of two (2) members appointed by the head
33 of the ministry or agency, a representative of the appointing authority, and two
34 (2) members duly elected by the employees holding positions in the first and
35 second levels of the career service: provided, that if there is a registered employee
36 association with a majority of the employees as members, that employee
37 association shall also have a representative in the Committee: provided, further
38 that immediately upon approval of the staffing pattern of the ministry or agency
39 concerned, such staffing pattern shall be made known to all officers and
40 employees of the agency who shall be invited to apply for any of the positions
41 authorized therein. Said application shall be considered by the Committee in the
42 placement and selection of human resource.
43

44 **Article 218.** *List of Human Resource to be Made Known.* A list of the
45 human resource appointed to the authorized positions in the approved staffing

1 pattern shall be made known to all the officers and employees of the ministry or
2 agency. Any of such officers and employees aggrieved by the appointments made
3 may file an appeal with the appointing authority who shall make a decision
4 within thirty (30) days from the filing thereof.

5
6 **Article 219.** *Appeal to the Civil Service Commission for the Bangsamoro*
7 *Autonomous Region in Muslim Mindanao.* An officer or employee who is still not
8 satisfied with the decision of the appointing authority may further appeal within
9 ten (10) days from the receipt thereof to the Commission which shall render a
10 decision thereon within thirty (30) days and whose decision shall be final and
11 executor.

12
13 **Article 220.** *Reinstatement or Reappointment in case Separation is in*
14 *Violation of the Code.* All officers and employees who are found by the CSC-
15 BARMM to have been separated in violation of the provisions of this Code, shall
16 be ordered reinstated or reappointed as the case may be without loss of seniority
17 and shall be entitled to full pay for the period of separation. Unless also
18 separated for cause, all officers and employees, who have been separated
19 pursuant to reorganization shall, if entitled thereto, be paid the appropriate
20 separation pay and retirement and other benefits under existing laws within
21 ninety (90) days from the date of the effectivity of their separation or from the
22 date of the receipt of the resolution of their appeals as the case may be: provided,
23 that application for clearance has been filed and no action thereon has been
24 made by the corresponding ministry or agency. Those who are not entitled to
25 said benefits shall be paid a separation gratuity in the amount equivalent to one
26 (1) month salary for every year of service. Such separation pay and retirement
27 benefits shall have priority of payment out of the savings of the ministry or
28 agency concerned.

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33 **BOOK V**
34 **PROCEDURE ON DISCIPLINARY ACTIONS**

35
36 **Chapter I**
37 **PRELIMINARIES**

38
39 **Article 221.** *Coverage.* The provisions of this Book shall apply to
40 disciplinary administrative cases or matters brought before the Office of the Chief
41 Minister, the different ministries, offices or agencies of the Bangsamoro
42 Autonomous Region in Muslim Mindanao (BARMM), including its component
43 local government units (LGUs) and government-owned or controlled corporations
44 (GOCCs) with original charters in the Bangsamoro except as may be provided by
45 law enacted by the Bangsamoro Parliament or the Congress.

1 **Article 222.** *Construction.* The provisions of Book V shall be liberally
2 construed in order to promote their objective in obtaining a just, speedy, and
3 inexpensive disposition of administrative cases.
4

5 The administrative hearing and investigation under this Book is not
6 bound by the technicalities of law and procedure and the rules obtaining in the
7 courts of law, provided that due process of law is not compromised.
8

9
10 **Chapter II**
11 **JURISDICTION AND VENUE OF ACTIONS**
12

13 **Article 223.** *Jurisdiction of the Office of the Chief Minister.* The Office of the
14 Chief Minister (OCM) shall have primary jurisdiction over administrative cases
15 or matters involving positions with Salary Grade 25 and above filed or brought
16 before it by any person.
17

18 The Bangsamoro Attorney General's Office shall conduct formal
19 investigation on cases falling under the primary jurisdiction of the OCM.
20 Thereafter, it shall submit a Formal Investigation Report to the Chief Minister
21 for appropriate action.
22

23 This provision does not apply to the Deputy Chief Ministers and Ministers.
24 Likewise, the Chairperson, Commissioners, and the personnel of the
25 Bangsamoro Human Rights Commission are excluded from this provision.
26

27 **Article 225.** *Jurisdiction of the Different Ministries, Commissions, Offices*
28 *and GOCCs.* All ministries, commissions, offices and GOCCs with original
29 charter shall have jurisdiction over administrative cases or matters filed or
30 brought before it by any person against any of their respective officials or
31 employees, except those officials mentioned in the immediately preceding
32 section.
33

34 **Article 226.** *Jurisdiction of the LGUs.* The jurisdiction of the LGUs shall
35 be in accordance with the provisions of the Local Government Code of the
36 Bangsamoro Autonomous Region.
37

38 **Article 227.** *Referral of Cases to Proper Disciplining Authority.* Cases
39 wrongly filed shall be referred by the concerned office or ministry to the proper
40 disciplining authority as specified in this Book. Referral to the OCM through the
41 Office of the Attorney General may also be made when in the honest, fair, and
42 reasonable judgment of the concerned ministry, office or agency, after proper
43 evaluation, the case could be best heard and tried by the former. A statement
44 under oath to this effect shall be made by the referring official or disciplining
45 authority. A proper endorsement or referral, together with the complaint and its
46 attachments, shall be transmitted to the OCM.

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3 **Chapter III**
4 **COMPLAINT**
5

6 **Article 228.** *Complaint Defined; Who May Initiate.* A complaint is a means
7 of bringing to the attention of the proper disciplining authority the misfeasance,
8 malfeasance, or nonfeasance of the person complained of. It may be initiated by
9 the disciplining authority *motu proprio* or upon a valid complaint filed by any
10 person.

11
12 **Article 229.** *Requisites of a Valid Complaint.* A complaint to be valid must
13 be in writing, written in a clear and concise language as to properly apprise the
14 person/s complained of, and must be verified.

15
16 However, in cases initiated by the proper disciplining authority, a show
17 cause order why no formal investigation should be conducted against the person
18 complained is sufficient.

19
20 The complaint shall contain the following:

- 21
22 a. Full name and address of the complainant;
23
24 b. Full name and address of the person complained of, his position and
25 office;
26
27 c. A narration of the relevant and material facts which shows the acts or
28 omissions complained of; and
29
30 d. A certification of non-forum shopping
31

32 The same must also be accompanied by certified true copies of
33 documentary evidence and judicial affidavits of witnesses, if any. The absence of
34 any of the aforementioned requirements may be a ground to dismiss the
35 complaint without prejudice to its refiling upon compliance with the above
36 requirements.

37
38 **Article 230.** *Anonymous Complaint.* No anonymous complaint shall be
39 entertained unless the act complained of is of public knowledge or the allegations
40 can be verified or supported by documentary or direct evidence.

41
42 **Article 231.** *Obligation in Case of Anonymous Complaint.* The proper
43 disciplining authority must faithfully evaluate and validate the trustworthiness
44 of the allegations and the genuineness of the documentary evidence and act on
45 it accordingly. If he is convinced that the anonymous complaint is supported by
46 obvious truth or such documentary or other evidence showing the probability

1 that the offense was indeed committed, he shall require the person complained
2 of to file his counter-affidavit under oath within ten (10) days from receipt of
3 order.

4 **Article 232.** *Effects of the Pendency of an Administrative or Criminal Case.*
5 Except as otherwise provided by law, pendency of an administrative or criminal
6 case shall not disqualify respondent from promotion and other human resource
7 actions or from claiming maternity/paternity benefits.

8 For this purpose, a pending administrative case shall be construed as such
9 when the disciplining authority has issued a formal charge or a notice of charge
10 to the respondent.

11 The release of the retirement benefits of a person with pending case shall
12 be governed by Republic Act No. 10154 otherwise known as “An Act Requiring
13 All Concerned Government Agencies to Ensure the Early Release of the
14 Retirement Pay, Pensions, Gratuities and Other Benefits of Retiring Government
15 Employees” and its implementing rules.

16 **Article 233.** *Withdrawal of the Complaint.* The withdrawal of the complaint
17 does not result in its outright dismissal nor discharge the person complained of
18 from any administrative liability. Where there is obvious truth or merit to the
19 allegation in the complaint or where there is documentary evidence that would
20 tend to prove the guilt of the person/s complained of, the same should be given
21 due course.

22
23 **Section 234.** *Consent to Electronic Service.* — The parties may consent to
24 electronic modes of service of motions, pleadings, resolutions, and orders. In
25 such case, the parties shall provide their e-mail address to which service may be
26 effected.

27
28 **Article 235.** *Action on the Complaint.* Upon receipt of a complaint, the
29 disciplining authority shall evaluate its compliance with the form and substance
30 prescribed under Article 222 of this Book. If in the affirmative, he or she shall
31 require the person complained of to file his or her counter-affidavit, together with
32 the testimony of his witnesses and such other documentary evidence, if any,
33 within a period of ten (10) days from receipt.

34
35 On the other hand, if the complaint is not sufficient in form and
36 substance, the disciplining authority may dismiss the complaint outright
37 without prejudice or require the complainant to correct or supply the deficiency
38 within a period of three (3) days from receipt of the order. In order to expedite
39 the proceedings, the disciplining authority may, in the exercise of his/her sound
40 judgment, consider substantial compliance of the complaint as to prescribed
41 form and substance.

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Chapter IV
PRELIMINARY INVESTIGATION

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Article 236. Primary Investigation Defined. A Preliminary Investigation is a mandatory proceeding to be undertaken by the disciplining authority or his or her representative, the purpose of which is to determine whether a prima facie case exists to warrant further investigation.

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Article 237. *How conducted.* Preliminary investigation may be conducted in any of the following manners: a) requiring the submission of counter affidavit or comment and/or other documents from the person complained of within five (5) days from receipt of the complaint which is sufficient in form and substance; b) ex-parte evaluation of the records; or c) clarificatory meeting with the parties to discuss the merits of the case.

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When the complaint is initiated by the disciplining authority, it or its authorized representative shall issue a show-cause order directing the person complained of to explain within the same period why no administrative case should be filed against the said person. The failure to submit a comment/counter-affidavit/explanation shall be considered a waiver thereof and the preliminary investigation may be completed even without the counter-affidavit/comment/explanation.

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The right to counsel may be exercised even during the preliminary investigation.

Article 238. *Duration of the Preliminary Investigation.* A Preliminary Investigation shall be conducted and be terminated within a non-extendible period of twenty (20) days from receipt of the complete records of the case. In meritorious cases, however, the disciplining authority may extend such investigation for a period of not more than ten (10) days from the expiration of the original period.

Article 239. *Investigation Report.* Within five (5) days from such termination, the investigation officer, body or committee shall submit the Investigation Report, together with his recommendation and the complete records of the case, to the proper disciplining authority for his or her immediate action. The latter may adopt the investigator's recommendation or require further investigation for a non-extendible period of five (5) days. In all instances, the disciplining authority shall dismiss the complaint when, in his fair and reasonable judgment, there is no prima facie case. The parties shall then be furnished copy of the order with sufficient explanation of the reason/s for such dismissal.

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Chapter V
FORMAL CHARGE

Article 240. *Issuance of Formal Charge.* Within fifteen (15) days from receipt of the Investigation Report, and a prima facie case has been properly established, the disciplining authority shall issue a Formal Charge addressed to the respondent, copy furnished the complainant.

The formal charge shall contain a specification of charge, a brief statement of material or relevant facts, which may be accompanied by certified true copies of the documentary evidence, sworn statements covering the testimony of witnesses, a directive to answer the charge in writing, under oath in not less than three (3) days but not more than ten (10) days from receipt thereof, an advice for the respondent to indicate in the answer whether or not a formal investigation is demanded, and a notice that respondent may opt to be assisted by a counsel.

Article 241. *Prohibited Pleadings.* The following pleadings shall not be entertained by the proper disciplining authority, to wit:

- a) Motion to dismiss the complaint except on the ground of lack of jurisdiction over the subject matter or over the person of the respondent;
- b) Motion for a bill of particulars or request for clarification;
- c) Motion for extension of time to file verified answer in excess of twenty (20) days;
- d) Second motion for extension of time to file verified answer;
- e) Second motion for reconsideration;
- f) Motion for reconsideration against any interlocutory order of the disciplining authority;

The filing of the prohibited pleading or motion shall not interrupt the running of the prescriptive period.

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Chapter VI
ANSWER

Article 242. *Requisites and Contents.* The answer, which is in writing and under oath, shall be specific and shall contain material facts and applicable laws, if any, including original or certified copies of documentary evidence, sworn

1 statements covering testimonies of witnesses, if there be any, in support of one's
2 case.

3 When the disciplining authority determines that the answer is satisfactory,
4 the case shall be dismissed. Otherwise, the investigation shall proceed.

5 **Article 243.** *Period to File.* The respondent shall have ten (10) days from
6 receipt of the Formal Charge within which to file his/her answer. Failure to do
7 so shall be considered a waiver on his/her part and the case shall be decided on
8 the basis of the records available within a period of fifteen (15) days.
9

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11 **Chapter VII**
12 **PREVENTIVE SUSPENSION**
13

14 **Article 244.** *Nature and Purpose.* Preventive Suspension is not a penalty.
15 It is merely a precautionary measure allowed by law in order to temporarily
16 remove the respondent from the scene of the alleged
17 misfeasance/malfeasance/nonfeasance while the case is pending. The purpose
18 of which is to prevent him/her from using his/her office or position in exerting
19 undue influence or pressure on the witnesses and/or tampering with evidence.
20

21 **Article 245.** *Grounds for Issuance.* The proper disciplining authority
22 may, *motu proprio* or upon proper motion by the complainant, place the
23 respondent under preventive suspension upon issuance of Formal Charge or
24 immediately thereafter if the charge involves:
25

- 26 a. Dishonesty;
27
28 b. Oppression;
29
30 c. Grave Misconduct;
31
32 d. Gross Neglect of Duty;
33
34 e. An administrative offense committed on its second or third time and
35 the penalty thereof is dismissal from the service; or
36
37 f. Other offenses punishable by dismissal from the service.
38

39 In order for a preventive suspension to be valid, the evidence against
40 respondent must be strong and there must be a showing that he/she is in a
41 position to exert undue influence or pressure on the witnesses and/or to tamper
42 with evidence by reason of his/her position.
43

1 **Article 246.** *Manner of Issuance.* A preventive suspension may be
2 effected by issuance of an order by the proper disciplining authority specifying
3 the ground/s therefor, the evidence against respondent, and a directive to
4 immediately cease and desist from performing his/her official functions as well
5 as from entering the premises of his/her office pending investigation of his/her
6 case. The complainant and other concerned persons or offices shall be furnished
7 copy of the Order of Preventive Suspension.
8

9 **Article 247.** *Duration.* When properly issued, preventive suspension shall
10 commence from the time the order was received by the respondent and shall last
11 upon the lapse of ninety (90) days or after the resolution of his/her case,
12 whichever comes earlier. In the case of employees or officials of component local
13 government units of the Bangsamoro Autonomous Region, the period of
14 preventive suspension shall be up to sixty (60) days only. It is understood that
15 the periods mentioned are only the maximum periods within which to place the
16 respondent under preventive suspension. It does not preclude the proper
17 disciplining authority to place him/her under a lesser period, which should not
18 be less than two-thirds (2/3) of the maximum duration, of preventive suspension
19 so long as it is made in good faith and taking into consideration the nature or
20 gravity of the offense charged.
21

22 **Article 248.** *Effect of the Lapse of the Period.* If the disciplining authority
23 failed to resolve or decide the case after the lapse of the period mentioned above,
24 the respondent shall be automatically reinstated in the service, unless the delay
25 is due to the fault, negligence, or manipulations of the respondent, in which case,
26 the period of delay shall not be included in the counting of the preventive
27 suspension.
28

29 **Article 249.** *Effect of Authorized Leave in Case of Preventive Suspension.*
30 Should the respondent be on authorized leave, the preventive suspension shall
31 be deferred or interrupted until such time that said leave has been fully
32 exhausted.
33

34 **Article 250.** *Number of Preventive Suspension Allowed.* No further
35 preventive suspension arising out of the same charge/s is allowed even if it is
36 merely for the purpose of exhausting the maximum period in a case where lesser
37 period was effected. If the respondent is already placed under preventive
38 suspension, the duration of the second preventive suspension arising out of a
39 different charge/s shall simultaneously run with the first without prejudice to
40 the service of the remaining period of the second.
41

42 **Article 251.** *Alternative to Preventive Suspension.* The proper disciplining
43 authority has the option to reassign the respondent for the same period to
44 another ministry, office, or agency as the case may be, if he or she is convinced
45 that the respondent cannot exert undue influence or pressure on the witnesses
46 and/or tamper with evidence to his/her advantage.

1
2 **Article 252.** *Remedies from the Order of Preventive Suspension.* The
3 respondent may, within fifteen (15) days from receipt of the preventive
4 suspension order, appeal the same directly to the Civil Service Commission.
5 Pending appeal, the order shall be executory and no motion for reconsideration
6 is allowed to be entertained by the issuing office or ministry.

7
8 **Article 253.** *Void on its Face Order.* Any of the following circumstances
9 shall render the order of preventive suspension void on its face:

- 10 a. The order was issued by one who is not authorized by law;
11
12 b. The requirements under Article 244 are not present, subject to the
13 exceptions in Article 229 of this Code;
14
15 c. The order was issued without a formal charge or the same is defective; and
16
17 d. The period of preventive suspension as imposed has exceeded the
18 prescribed periods.
19
20

21 **Article 254.** *Payment of Back Wages and Reinstatement in case of a Void*
22 *on its Face Order.* A declaration by the higher authority of the order of preventive
23 suspension as void on its face shall entitle the respondent to immediate
24 reinstatement and payment of back wages corresponding to the period of the
25 illegal preventive suspension without awaiting the outcome of the main case.
26

27 A declaration of invalidity based on ground/s other than those mentioned
28 in the immediately preceding section shall result in the reinstatement of the
29 respondent but the payment of back wages shall be subject to the final outcome
30 of the main case. If he/she is exonerated or the penalty imposed is only
31 reprimand, he/she shall be entitled to back wages. Otherwise, he/she shall not
32 be entitled thereto.
33

34 Mere downgrading of the charge to a lesser offense does not amount to
35 exoneration and shall not entitle the respondent to payment of back wages.
36

37 **Chapter VIII**

38 **FORMAL INVESTIGATION**

39
40 **Article 255.** *Instances Required.* A formal investigation shall be conducted
41 where the merits of the case cannot be decided judiciously without conducting
42 such investigation or when the respondent elects to have one.
43

44 **Article 256.** *When to be Conducted.* The investigation shall be held not
45 earlier than five (5) days nor later than ten (10) days from receipt of the
46 respondent's answer or upon the expiration of the period to answer. Said

1 investigation shall be finished within thirty (30) days from the issuance of the
2 formal charge/notice of charge unless the period is extended by the disciplining
3 authority or its authorized representative, or heads of agencies or the
4 Commission in meritorious cases.

5
6 For this purpose, the Commission may entrust the formal investigation to
7 lawyers of other agencies pursuant to this Code.

8
9 **Article 257.** *How Conducted.* The formal investigation shall commence by
10 conducting a pre-hearing conference for the parties to appear, consider and
11 agree on the following matters, to wit:

- 12
13 a. Stipulation of facts;
14
15 b. Simplification of issues;
16
17 c. Identification and marking of evidence;
18
19 d. Waiver of objections to admissibility of evidence;
20
21 e. Limitation on the names and number of witnesses;
22
23 f. Hearing dates; and
24
25 g. Such other matters as may aid in the speedy and just resolution of
26 the case.

27
28 The agreement between the parties shall be reduced in writing and signed
29 by them or their authorized representatives. The same shall be embodied in the
30 pre-hearing order and shall be binding upon the parties.

31
32 The conduct of pre-hearing conference in cases where formal investigation
33 is required is mandatory for the hearing officer. Failure of any party to attend
34 such conference may be sufficient ground to consider the case submitted for
35 decision. Hence, the case may be decided on the basis of the records available.

36
37 **Article 258.** *Continuous Hearing.* Hearings shall be conducted on the
38 hearing dates agreed upon during the pre-hearing conference which shall not be
39 more than five (5) hearing days. No postponement shall be allowed except in
40 highly exceptional circumstances and upon a proper written motion filed by any
41 party at least three (3) days before the scheduled hearing to be postponed. The
42 parties are required to be present during the hearings and their absence shall
43 produce the same result as in the case of absence of any party during pre-
44 hearing conference. At any time before the resolution of the case, the parties may
45 agree in writing to submit the case for resolution by the disciplining authority.

1 **Article 259. Hearings, How Conducted.** Hearings before any of the proper
2 disciplining authorities under this Book shall be conducted primarily for the
3 purpose of securing a just, speedy, and fair resolution of administrative cases
4 brought before it. They should not be conducted in such manner as to put
5 excessive burden on the parties thereby discouraging them to resort to
6 democratic processes. Taking these into account, hearings shall not be
7 conducted in a strictly adversarial or trial-type proceedings. It is sufficient for
8 the parties to be given ample opportunities to be heard and present their
9 witnesses and other evidence for the consideration of the hearing officer/s.

10
11 **Article 260. Order of Hearing.**

- 12
13 a. The prosecution shall present its case;
14
15 b. The respondent shall present his/her defense;
16
17 c. Both parties may submit their rebuttal and sur-rebuttal, respectively.
18

19 **Article 261. Videoconference Hearing.** Upon joint motion of the parties
20 or upon orders of the disciplining authority videoconferencing hearings shall be
21 allowed in lieu of the face to face hearings.

22
23 **Article 262. Objections, How Made.** All objections raised during the
24 hearing shall be resolved by the hearing officer. However, objections that cannot
25 be ruled upon by the hearing officer shall be noted with the information that the
26 same shall be included in the memorandum of the concerned party to be ruled
27 upon by the proper disciplining authority.

28
29 The hearing officer shall admit all evidence formally offered subject to the
30 objection/s interposed against its admission.

31
32 **Article 263. Marking of Evidence or Exhibits.** All documentary evidence
33 or exhibits for the complainant shall be properly marked by letters (A, B, C, etc.)
34 with sub-markings in case of single document with several pages (A-1, A-2, A-3,
35 etc.). If presented by the respondent, it shall be marked by numbers (1, 2, 3) with
36 sub-markings in case of single but having several pages (1-A, 1-B, 1-C). These
37 shall form part of the complete records of the case.

38
39 **Article 264. Issuance of Subpoena.** The disciplining authority or his/her
40 authorized hearing officer has the power to issue subpoena *ad testificandum* to
41 compel attendance of witnesses or subpoena *duces tecum* for the production of
42 other evidence. The requesting party shall make the proper request for the
43 issuance thereof at least five (5) days before the scheduled hearing, copy
44 furnished the requested party or witness specifying the evidence to be produced
45 in case of the latter subpoena.

1 **Article 265.** *Record of the Proceeding.* All the proceedings during the
2 formal investigation must be duly recorded. This could be taken in shorthand,
3 stenotype or other means of recognized recording.

4 **Article 266.** *Proof of Service.* All pleadings and litigated motions allowed
5 under this Book filed by the parties shall be copy furnished the other party with
6 proof of service in the form of an affidavit. Those filed through registered mail or
7 private courier service shall be deemed filed on the date stamped on the envelope
8 or courier pack which shall be attached to the records of the case. In case of
9 personal service, it shall be evidenced by the date stamped on the envelope or
10 the document itself duly dated and signed by the receiving party.

11 If electronic service is resorted to, the proof thereof shall consist of an
12 affidavit of the person who undertook such service by stating the following:

- 13 a) e-mail address that was employed to transmit the document;
14 b) date and time of the electronic service;
15 c) name and e-mail address of the person served; and
16 d) the document was served electronically.

17 **Article 267.** *Formal Investigation Report.* The hearing officer shall submit
18 a formal investigation report to the proper disciplining authority within ten (10)
19 days after the conclusion of the formal investigation. Said report shall contain
20 the following:

- 21 a. a narration of the material facts duly established during the
22 investigation;
23 b. the findings and the evidence supporting said findings;
24 c. his/her recommendation for appropriate action/s; and
25 d. a draft decision containing the said recommendation.
26
27
28
29
30

31 The complete records of the case shall be attached to the report and shall
32 be treated with confidentiality. Further, it shall contain a Table of Contents for
33 easy reference, systematically and chronologically arranged, paged and securely
34 bound to prevent loss.
35

36
37 **Chapter IX**
38 **DECISION**

1
2 **Article 268.** *Period to Render Decision.* Within fifteen (15) days from
3 receipt, the proper disciplining authority shall evaluate the Formal Investigation
4 Report and render his/her decision. He/she may either affirm or disregard the
5 hearing officer’s recommendation. In all cases, the parties shall be furnished
6 copy of the decision or recommendation, as the case may be, within ten (10)
7 days.

8
9 Failure to act within the prescribed period shall be a ground for a separate
10 disciplinary action against the disciplining authority.

11
12 **Article 269.** *Finality of Decisions.* Decisions shall become final after the
13 lapse of fifteen (15) days from receipt unless a motion for reconsideration is
14 seasonably filed in accordance with the succeeding Chapter. The same period
15 applies in case of decision dismissing the case.

16
17
18 **Chapter X**
19 **MOTION FOR RECONSIDERATION**

20
21 **Article 270.** *Who May File.* The party adversely affected by the decision
22 may file a motion for reconsideration before the office of the disciplining authority
23 who rendered the decision within fifteen (15) days from receipt. The phrase
24 “adversely affected” shall, for purposes of this Book, include the private
25 complainant in case of a decision dismissing a case whether or not the case is
26 personal in nature.

27
28 **Article 271.** *Grounds.* A motion for reconsideration may be filed based
29 on any of the following grounds only, to wit:

- 30
31 a. Newly discovered evidence which materially affects the case;
32
33 b. The decision is not supported by evidence on record; or
34
35 c. Errors of law or irregularities have been committed which are
36 prejudicial to the interest of the movant.
37

38 **Article 272.** *Effect of Filing.* A motion for reconsideration seasonably filed
39 shall stay the execution of the decision sought to be reconsidered and shall be
40 disposed of by the disciplining authority within thirty (30) days. Otherwise, the
41 same shall be deemed denied. Only one motion is allowed. Any succeeding
42 motion shall not affect the running of the reglementary period to appeal.

43
44
45 **Chapter XI**
46 **APPEAL**

1
2 **Article 273. *Finality of Decisions.*** A decision rendered by the disciplining
3 authority or the CSC for BARMM whereby a penalty of reprimand, or suspension
4 for not more than thirty (30) days or a fine in an amount not exceeding thirty
5 (30) days' salary is imposed, shall not be appealable. It shall be final and
6 executory unless a motion for reconsideration is seasonably filed. However, the
7 respondent may file an appeal or petition for review when the issue raised is
8 violation of due process.
9

10 If the penalty imposed is suspension exceeding thirty (30) days, or fine in
11 an amount exceeding thirty (30) days' salary, the decision shall be final and
12 executory after the lapse of the reglementary period for filing a motion for
13 reconsideration or an appeal and no such pleading has been filed.
14

15 **Article 274. *When Appeal is Available.*** Decisions involving a penalty of
16 suspension for more than thirty (30) days or a fine in an amount exceeding thirty
17 (30) days' salary may be appealed by the respondent within fifteen (15) days from
18 receipt of the assailed decision.
19

20 **Article 275. *Executory Judgements.*** Decisions shall be executory pending
21 appeal unless a Temporary Restraining Order (TRO) is issued by the proper
22 judicial authority. No motion for execution pending appeal shall be necessary.
23

24 **Article 276. *Filing of Appeal.*** Subject to the provisions of Article 265,
25 decisions rendered by the Chief Minister, Head of Office or GOCC in the
26 Bangsamoro Government shall be appealable to the Civil Service Commission.
27

28 **Article 277. *Appeal, When Perfected.*** A party desiring to appeal a decision
29 shall file a Memorandum with the appellate authority, copy furnished the
30 disciplining authority, containing the following:
31

- 32 a. the grounds relied upon by him/her;
- 33
- 34 b. certified true copies of the assailed decision;
- 35
- 36 c. certified true copies of documentary evidences;
- 37
- 38 d. proof of service of the Memorandum to the disciplining authority;
- 39
- 40 e. proof of payment of the required fee, if any; and
- 41
- 42 f. a certification against forum shopping.
- 43

44 Failure to comply with any of the above requirements shall not be a
45 ground to dismiss the appeal. Instead, the disciplining authority shall require
46 the appellant to supply the deficiency within five (5) days from receipt of the

1 directive or order. If, despite such directive or order, the appellant failed to
2 comply, the appeal shall be dismissed with prejudice.

3
4 **Article 278.** *Transmittal of the Records.* Upon receipt of a copy of the
5 Memorandum furnished him/her by the appellant, the disciplining authority
6 shall transmit the complete records of the case together with its comment to the
7 appellate authority within ten (10) days. Said records must be systematically
8 arranged, paged and securely bound to prevent loss.

9
10
11 **Chapter XII**
12 **ADMINISTRATIVE OFFENSES AND PENALTIES**

13
14 **Article 279.** *Classification of Offenses.* Administrative offenses are
15 classified into grave offenses, less grave offenses, or light offenses, depending on
16 the gravity or depravity and effects on the government service.

17
18 **Article 280.** *Grave Offenses.* The following are the grave offenses which
19 are punishable by dismissal:

- 20
21 1. Serious Dishonesty;
- 22
23 2. Gross Neglect of Duty;
- 24
25 3. Grave Misconduct;
- 26
27 4. Conviction of a Crime Involving Moral Turpitude;
- 28
29 5. Falsification of Official Document;
- 30
31 6. Physical or mental disorder or disability due to immoral or vicious
32 habits;
- 33
34 7. Receiving for personal use of a fee, gift, or other valuable thing in the
35 course of official duties or in connection therewith when such fee, gift,
36 or valuable thing is given by any person in the hope or expectation of
37 receiving a favor or better treatment than that accorded to other
38 persons, or committing acts punishable under the anti-graft laws;
- 39
40 8. Contracting loans of money or other property from persons with
41 whom the office or employee has business relations;
- 42
43 9. Soliciting or accepting, directly or indirectly, any gift, gratuity, favor,
44 entertainment, loan or anything of monetary value in the course of
45 one's official duties or in connection with any operation being
46 regulated by, or any transaction which may be affected by the

1 functions of one's office. The propriety of the foregoing shall be
2 determined by its value, kinship, or relationship between giver and
3 receiver and the motivation. A thing of monetary value is one which
4 is evidently or manifestly excessive by its very nature;

5
6 10. Nepotism; and

7
8 11. Disloyalty to the Republic of the Philippines, including the
9 Bangsamoro Autonomous Region in Muslim Mindanao; and to the
10 Filipino people, including the Bangsamoro people.

11
12 The following grave offenses are punishable by suspension of six (6)
13 months and one (1) day to one (1) year for the first offense and dismissal from
14 the service for the second offense:

15
16 1. Less Serious Dishonesty;

17
18 2. Oppression;

19
20 3. Disgraceful and Immoral Conduct;

21
22 4. Inefficiency and Incompetence in the Performance of Official
23 Duties. However, the guilty person may instead be punished by
24 Demotion in which case he shall suffer diminution in salary
25 corresponding to the next lower in degree with the same salary
26 step;

27
28 5. Habitual Absenteeism;

29
30 6. Habitual Tardiness Causing Prejudice to the Operations of the
31 Office;

32
33 7. Loafing from Duty During Regular Office Hours;

34
35 8. Refusal to Perform Official Duty;

36
37 9. Gross Insubordination;

38
39 10. Conduct Prejudicial to the Best Interest of the Service;

40
41 11. Directly or indirectly having financial and material interest in any
42 transaction requiring the approval of one's office. Financial and
43 material interest is defined as pecuniary or proprietary interest to
44 which a person will gain or lose something;

- 1 12. Owning, controlling, managing or accepting employment as officer,
2 employee, consultant, counsel, broker, agent, trustee, or nominee
3 in any private enterprise regulated, supervised or licensed by one's
4 office, unless expressly allowed by law;
5
- 6 13. Disclosing or misusing confidential or classified information
7 officially known by reason of one's office and not made available to
8 the public, to further his private interests or give undue advantage
9 to anyone, to the prejudice of the public interest;
10
- 11 14. Obtaining or using any statement filed under the Code of Conduct
12 and Ethical Standards for Public Officials and Employees for any
13 purpose contrary to morals or public policy or any commercial
14 purpose other than by news and communications media for
15 dissemination to the general public; and
16
- 17 15. Recommending any person to any position in a private enterprise
18 which has a regular or pending official transaction with one's office,
19 unless such recommendation or referral is mandated by law or
20 international agreements, commitment and obligation; or as part
21 of the function of one's office.
22

23 **Article 281. *Less Grave Offenses.*** The following less grave offenses are
24 punishable by suspension of one (1) month and one (1) day to six (6) months for
25 the first offense; and dismissal from the service for the second offense:
26

- 27 1. Simple neglect of duty;
28
- 29 2. Simple misconduct;
30
- 31 3. Discourtesy in the course of official duty;
32
- 33 4. Violation of existing civil service law or rules of serious nature;
34 5. Insubordination;
35
- 36 6. Habitual drunkenness;
37
- 38 7. Unfair discrimination in rendering public service due to party
39 affiliation or preference;
40
- 41 8. Failure to file sworn statements of assets, liabilities and net worth
42 (SALN), and disclosure of business interest and financial
43 connections including those of one's spouse and unmarried
44 children under eighteen (18) years of age living in one's household;
45

- 1 9. Failure to resign from one's position within thirty (30) days, or to
2 divest oneself of one's shareholdings or interest within sixty (60)
3 days, in the private business enterprise from assumption of public
4 office when there is conflict of interest. If such conflict arises only
5 while one is already in the service, the counting of the periods
6 mentioned shall commence from the moment the conflict arises or
7 becomes known or should have known to the concerned employee
8 or official; and
9
10 10. Engaging directly or indirectly in partisan political activities by one
11 holding non-political office.
12

13 The less grave offense of simple dishonesty is punishable by suspension
14 of one (1) month and one (1) day to six (6) months for the first offense; six (6)
15 months and one (1) day to one (1) year for the second offense; and dismissal from
16 the service for the third offense.
17

18 **Article 282. Light Offenses.** The following light offenses are punishable
19 by reprimand for the first offense; suspension of one (1) to thirty (30) days for
20 the second offense; and dismissal from the service for the third offense:
21

- 22 1. Simple Discourtesy in the Course of Official Duty;
23
- 24 2. Improper or unauthorized solicitation of contributions from
25 subordinate employees and in the case of teachers or school officials
26 from school children;
27
- 28 3. Violation of Reasonable Office Rules and Regulations;
29
- 30 4. Habitual Tardiness;
31
- 32 5. Gambling Prohibited by Law;
33
- 34 6. Refusal to Render Overtime Service;
35
- 36 7. Disgraceful, Immoral or Dishonest Conduct Prior to Entering the
37 Service;
38
- 39 8. Borrowing Money by Superior Officers from Subordinates;
40
- 41 9. Willful failure to pay just debts or to pay taxes due the government.
42 Just debts shall be understood to be limited to claims adjudicated
43 by a court of law, or the existence of which are admitted by the
44 debtor;
45

- 1 10. Lobbying for personal interest or gain in legislative halls and offices
2 without authority;
- 3
- 4 11. Promoting the sale of tickets in behalf of private enterprises.
5 However, if the tickets are intended for charitable or public welfare
6 purposes, the same may be allowed provided there is prior authority;
7
- 8 12. Failure to act promptly on letters and request within fifteen (15)
9 working days from receipt in accordance with Section 3, Rule VI of
10 the Rules Implementing the Code of Conduct and Ethical Standards
11 for Public Officials and Employees (R.A. No 6713);
12
- 13 13. Failure to process documents and complete action on documents
14 and papers within a reasonable time from preparation thereof in
15 accordance with Section 4, Rule VI of the above-mentioned
16 implementing rules;
17
- 18 14. Failure to attend to anyone who wants to avail himself/herself of the
19 services of the office, or act promptly and expeditiously on public
20 transactions;
21
- 22 15. Unauthorized Private Practice of One's Profession; and
23
- 24 16. Pursuit of private business or vocation without the permission
25 required by civil service rules and regulations.
26

27 **Article 283.** *Other Specific Offenses.* Republic Act No. 9485 or the Anti-
28 Red Tape Act of 2007 provides for the following:
29

- 30 I. Grave Offense: Fixing and/or collusion with fixers in consideration of
31 economic and/or other gain or advantage shall be penalized by
32 Dismissal and Perpetual Disqualification from Public Service;
33
- 34 II. Light Offenses: the following are light offenses:
35
 - 36 a. Refusal to accept application and/or request within the
37 prescribed period or any document being submitted by a client;
38
 - 39 b. Failure to act on an application and/or request or failure to refer
40 back to the client a request which cannot be acted upon due to
41 lack of requirements within the prescribed period;
42
 - 43 c. Failure to attend to clients who are within the premises of the
44 office or agency concerned prior to the end of official working
45 hours and during lunch break;
46

- d. Failure to render frontline services within the prescribed period on any application and/or request without due cause;
- e. Failure to give the client a written notice on the disapproval of an application or request; and
- f. Imposition of additional irrelevant requirements other than those listed in the first notice.

The foregoing light offenses shall be penalized as follows:

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

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

Third Offense: Dismissal and perpetual disqualification from public service.

Chapter XIII PENALTY OF FINE

Article 284. *When Penalty of Fine Allowed.* The disciplining authority may allow payment of fine in lieu of suspension if any of the following circumstances is present:

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

Article 285. *When Available.* The payment of penalty of fine in lieu of suspension shall be available in Grave, Less Grave and Light Offenses where the penalty imposed is for six (6) months or less at the ratio of one (1) day of

1 suspension from the service to one (1) day salary fine; *Provided*, that in Grave
2 Offenses where the penalty imposed is six (6) months and one (1) day of
3 suspension in view of the presence of mitigating circumstance, the conversion
4 shall only apply to the suspension of six (6) months. Nonetheless, the remaining
5 one (1) day suspension is deemed included therein.
6

7 **Article 286.** *Period to Pay the Fine; Effect of Failure to Pay.* The maximum
8 period to pay the fine shall not exceed one (1) year from the time the
9 decision/resolution becomes final and executory. The conversion of suspension
10 into fine shall render the decision final and executory and, therefore, not subject
11 of appeal or any other similar relief. The failure of the respondent to pay the fine
12 or part thereof shall cause the reversion to the original penalty of suspension.
13 As such, respondent shall serve the original penalty of suspension imposed,
14 irrespective of the amount already paid.
15

16 **Article 287.** *Schedule of Fine in Installment.* Fine may be paid in equal
17 monthly installments subject to the following schedule of payment prescribed
18 below:

- 19 a. Fine equivalent to one (1) month salary shall be paid within two (2)
20 months;
- 21 b. Fine equivalent to two (2) month salary shall be paid within four (4)
22 months;
- 23 c. Fine equivalent to three (3) month salary shall be paid within six (6)
24 months;
- 25 d. Fine equivalent to four (4) month salary shall be paid within eight (8)
26 months;
- 27 e. Fine equivalent to five (5) month salary shall be paid within ten (10)
28 months; and
- 29 f. Fine equivalent to six (6) month salary shall be paid within twelve (12)
30 months;

31
32 **Article 288.** *Where to be Paid.* The fine shall be paid to the agency
33 imposing the same, computed on the basis of respondent's salary at the time the
34 decision becomes final and executory.
35

36
37 **Chapter XIV**
38 **GUIDELINES ON THE IMPOSITION OF PENALTIES**
39

40 **Article 289.** *Mitigating and Aggravating Circumstances.* Except for
41 offenses punishable by dismissal from the service, the following may be

1 appreciated either as mitigating or aggravating circumstances in the
2 determination of the penalties to be imposed:

- 3
- 4 a. Physical illness;
- 5 b. Malice;
- 6 c. Time and place of offense;
- 7 d. Taking undue advantage of official position;
- 8 e. Taking undue advantage of subordinate;
- 9 f. Undue disclosure of confidential information;
- 10 g. Use of government property in the commission of the offense;
- 11 h. Habituality;
- 12 i. Offense is committed during office hours and within the premises of
13 the office or building;
- 14 j. Employment of fraudulent means to commit or conceal the offense;
- 15 k. First offense;
- 16 l. Education;
- 17 m. Length of service; or
- 18 n. Other analogous circumstances.

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

24
25 **Article 290. Manner of Imposition.** When applicable, the imposition of the
26 penalty shall be made in accordance with the manner provided herein below:

- 27
- 28 a. The minimum of the penalty shall be imposed where only mitigating
29 and no aggravating circumstances are present;
- 30
- 31 b. The medium of the penalty shall be imposed where no mitigating and
32 aggravating circumstances are present; and
- 33
- 34 c. The maximum of the penalty shall be imposed where only aggravating
35 and no mitigating circumstances are present.
- 36

37 Where aggravating and mitigating circumstance are present, paragraph
38 [a] shall be applied when there are more mitigating circumstances present;

1 paragraph [b] shall be applied when the circumstances equally offset each other;
2 and paragraph [c] shall be applied when there are more aggravating
3 circumstances.

4
5 **Article 291.** *Medium Period of Divisible Penalty.* The following divisible
6 penalties shall have their medium range of penalty, to wit:

- 7
8 a. Penalty of suspension ranging from one (1) month and one (1) day to
9 six (6) months shall have three (3) months as its medium penalty; and
10
11 b. Penalty of suspension ranging from six (6) months and one (1) day to
12 one (1) year shall have nine (9) months as its medium penalty.
13

14 **Article 292.** *Penalty for Multiple Offenses.* If the respondent is found
15 guilty of two (2) or more different offenses, the penalty to be imposed should be
16 that corresponding to the most serious offense and the rest shall be considered
17 as aggravating circumstances. In case the respondent is found guilty of two or
18 more counts of the same offense, the penalty shall be imposed in the maximum
19 regardless of the presence of any mitigating circumstance.
20

21 **Article 293.** *Duration and Effect of Administrative Penalties.* The following
22 shall govern the imposition of administrative penalties:

- 23
24 a. The penalty of dismissal shall result in the permanent separation of
25 the respondent from the service, without prejudice to criminal or civil
26 liability;
27
28 b. The penalty of demotion shall result in diminution of salary
29 corresponding to the next lower salary grade with the same salary
30 step;
31 c. The penalty of suspension shall result in the temporary cessation of
32 work for a period not exceeding one (1) year. Suspension of one day
33 or more shall be considered a gap in the continuity of service. During
34 the period of suspension, respondent shall not be entitled to all
35 monetary benefits including leave credits;
36
37 d. The penalty of fine shall be in an amount not exceeding six (6) month
38 salary of respondent. The computation thereof shall be based on the
39 salary rate of the respondent when the decision becomes final and
40 executory; and
41
42 e. The penalty of reprimand is an official rebuke against a person's
43 behavior which does not carry any accessory penalty or result in the
44 temporary cessation of work. In the event the penalty of reprimand
45 was imposed on appeal as a result of modification of the penalty of
46 suspension or dismissal from service, the respondent shall be entitled

1 to the payment of back wages and other benefits which would have
2 accrued during the period of the suspension or dismissal.
3

4 **Article 294.** *Accessory Penalties.* The following are the accessory
5 penalties in administrative cases:
6

- 7 a. The penalty of dismissal shall carry with it cancellation of eligibility;
8 perpetual disqualification from holding public office; ban from taking
9 civil service examinations; and forfeiture of retirement benefits.
10 However, terminal leave benefits and personal contributions to
11 Government Service Insurance System (GSIS), Retirement and
12 Benefits Administration Service (RBAS) or other equivalent retirement
13 benefits system shall not be subject to forfeiture;
14
- 15 b. The penalty of demotion shall carry with it disqualification from
16 promotion for one (1) year;
17
- 18 c. The penalty of suspension shall carry with it disqualification from
19 promotion corresponding to the period of suspension;
20
- 21 d. The penalty of fine shall carry with it disqualification from promotion
22 for the same period the respondent is fined;
23
- 24 e. The penalty of reprimand shall not carry with it any accessory
25 penalties; and
26
- 27 f. A warning or admonition shall not be considered a penalty.
28

29 **Article 295.** *Effects of Exoneration on Certain Penalties.* The decision for
30 exoneration shall have the following consequences:
31

- 32 a. In case the penalty imposed is fine, the same shall be refunded;
33
- 34 b. In case of demotion, the respondent shall be entitled to restoration of
35 former salary grade with the same salary step and payment of salary
36 differentials during the period the demotion was imposed;
37
- 38 c. In case the penalty imposed is suspension, the respondent shall
39 immediately be reinstated to former post without loss of seniority
40 rights and with payment of back wages and all benefits which would
41 have accrued had the respondent not been illegally suspended;
42
- 43 d. In case the penalty imposed is dismissal, the respondent shall
44 immediately be reinstated without loss of seniority rights and with
45 payment of back wages and all benefits which would have accrued
46 had the respondent not been illegally dismissed;

1
2 e. The respondent who is exonerated on appeal shall be entitled to the
3 leave credits for the period he/she had been out of the service.
4

5
6 **Chapter XV**
7 **SETTLEMENT IN ADMINISTRATIVE CASES**
8

9 **Article 296.** *When Applicable.* In general, administrative cases are not
10 subject to settlement. However, settlement of offenses may be considered in
11 cases of light offenses where the act is purely personal on the part of the private
12 complainant and the person complained of and there is no apparent injury
13 committed to the government. However, no settlement is allowed for the second
14 offense of the same act committed by the person complained of.
15

16 **Article 297.** *Motu Proprio Determination of Applicability.* Upon filing of the
17 complaint, the disciplining authority or its authorized representative shall
18 determine *motu proprio* whether the offense can be the subject of settlement. If
19 it is in the affirmative, the person complained of shall be required to comment
20 and indicate therein whether he/she is willing to submit the case for settlement.
21 If he/she opts for settlement, the disciplining authority or its authorized
22 representative shall issue an order requiring the appearance of the parties.
23

24 The person complained of may move for the settlement of the complaint
25 at any time before the issuance of a formal charge.
26

27 **Article 298.** *Compromise Agreement.* If settlement between the parties
28 succeeds, a compromise agreement shall be executed between the parties and
29 attested by the disciplining authority. It shall be binding on the parties and
30 cannot be impugned by them unless the appellate authority, upon proper motion
31 or in a separate action, declared to be invalid as there was duress or fraud in its
32 execution.
33

34 **Article 299.** *Decision Based on a Compromise Agreement.* After the
35 execution of the compromise agreement, the disciplining authority shall render
36 decision on the basis thereof specifying, among others, the terms or conditions
37 agreed upon by the parties as well as the provisional dismissal of the complaint
38 in proper cases. The case may be reopened for investigation in case of non-
39 compliance with any of the agreed terms or conditions by the person complained
40 of.
41

42 **Article 300.** *When No Settlement is Reached.* If efforts to reach a
43 settlement between the parties fail, the disciplining authority or its authorized
44 representative shall issue an order terminating the process and, thereafter,
45 proceed with the investigation of the case.
46

1
2
3 **Chapter XVI**
4 **BACK WAGES AND OTHER SIMILAR BENEFITS**
5

6 **Article 301.** *Who are Entitled.* An illegally dismissed or suspended official
7 or employee who is exonerated/reprimanded and ordered reinstated in the
8 service, and a respondent placed under preventive suspension, whose order of
9 suspension was declared by the higher authority as invalid, shall be entitled to
10 payment of back wages and other similar benefits.

11
12 **Article 302.** *What Are Included.* The following are the benefits included in
13 the scope of back wages:

- 14
15 a. Salaries from the time the official or employee was illegally
16 dismissed/suspended up to the time of actual reinstatement;
17
18 b. Representation and Transportation Allowance (RATA) as provided
19 under existing rules;
20
21 c. Personnel Economic Relief Allowance/Additional Compensation
22 Allowance (PERA/ACA);
23
24 d. Restoration of Leave Credits;
25
26 e. Loyalty Award;
27
28 f. Anniversary Bonus;
29
30 g. 13th, 14th month Pay and Cash Gift;
31
32 h. Uniform/Clothing Allowance;
33
34 i. Performance-based Bonus; and
35
36 j. Other similar benefits given to regular employees by the ministry or
37 office.

38
39 **Article 303.** *Guidelines.* The following are the guidelines on the payment
40 of back wages and other similar benefits to an illegally dismissed or suspended
41 employee:

- 42
43 a. The payment of back wages should be computed based on the rate of
44 salary grade/job grade/pay level/pay grade of the respondent at the
45 time of dismissal or suspension including the increases in salary,

1 allowances and other emoluments that may occur during the period
2 the employee was prevented from rendering service;

- 3
- 4 b. For entitlement to RATA, subject to existing rules and regulations, the
5 requirement of actual performance of duty to an illegally dismissed or
6 suspended respondent is dispensed with since it is unreasonable to
7 expect or demand performance of his/her functions when the
8 circumstances prevent one from doing so;
- 9
- 10 c. The restoration of leave credits shall be subject to annual deductions
11 of five (5) days Forced Leave/Mandatory Leave as required under the
12 Omnibus Rules on Leave;
- 13
- 14 d. For purposes of Loyalty Award given to all officials and employees in
15 the government who have rendered at least ten (10) years of
16 continuous service and satisfactory service in the government
17 pursuant to CSC Memorandum Circular No. 6, series of 2002, the
18 period under which the respondent was illegally dismissed or
19 suspended should not be considered as a gap in the service;
- 20
- 21 e. Anniversary Bonus is given during milestone years. A milestone year
22 refers to the 15th anniversary and every fifth year thereafter.
23 Respondents who have been illegally dismissed or suspended during
24 the milestone years shall be entitled to the payment of Anniversary
25 Bonus;
- 26
- 27 f. The 13th/14th Month Pay plus Cash Gift under existing laws or as may
28 be provided in the Annual Appropriations Law (AAL) shall be granted
29 to each qualified official or employee which is equivalent to one (1)
30 month basic salary;
- 31
- 32 g. Uniform or clothing allowance refers to the amount granted per year
33 to each qualified official or employee as may be provided in the AAL;
34 and
- 35
- 36 h. Bonuses based on performance shall be given on the basis of the
37 rating of the employee prior to one's illegal dismissal or suspension
38 from the service.
- 39

40 **Article 304.** *Allowable Deductions.* The payment of back wages shall be
41 subject to withholding tax, GSIS Premium, PhilHealth and HDMF Fund
42 contributions, and other monthly dues/deductions as may be validly imposed
43 by the ministry or office under the law or rules. Payment of 13th/14th Month Pay,
44 Cash Gift, Anniversary Bonus, and other additional bonus given by the ministry
45 or office which exceeds the ceiling tax exemption shall also be subject to
46 withholding tax.

1
2
3 **MISCELLANEOUS PROVISION**
4

5 **Article 305.** In case of pandemics and other cases of similar nature,
6 man-made or natural, upon the declaration of state of calamity and/or issuance
7 of order by the proper authority, the ministries, offices and agencies of the
8 BARMM, upon prior approval of the Chief Minister, may adopt alternative work
9 arrangements including, but not limited to, work-from-home, skeleton
10 workforce, four-day (compressed) workweek, staggered working hours, and other
11 human resource actions.
12

13
14 **TRANSITORY PROVISIONS**
15

16 **Article 306.** Special Provisions for Mujahideen/ Mujahidat. Mujahideen/
17 mujahidat may be hired as temporary appointees for first level positions (SG 9
18 and below) of the Bangsamoro Government in the absence of fellow mujahideen
19 applicants who are civil service eligible. Provided that not more than thirty
20 percent (30%) of the total number of entry level plantilla positions of the
21 Bangsamoro Government shall be allocated to them.
22

23 The appointments under this provision shall be valid for twelve (12)
24 months, renewable for three times. However, if the appointee has possessed the
25 required eligibility within that period, he/she shall be qualified for permanent
26 appointment to said position subject to performance appraisal and without
27 prejudice to the discretion of the appointing authority.
28

29 To ensure smooth integration of the Mujahideen/mujahidat in the civil
30 service, the Development Academy of Bangsamoro shall develop specialized
31 training programs for their training and professional development.
32

33 During the transition period, it shall be the responsibility of the central
34 committees of the Moro Islamic Liberation Front (MILF) and the Moro National
35 Liberation Front (MNLF) to determine the Mujahideen/Mujahidat in the roster of
36 their organic members who shall be considered for hiring under this provision.
37 The hiring should be within the transition period.
38

39 **Article 307.** Provisions for More Stringent Standards. Nothing in this Code
40 shall be construed to derogate from any law, or any regulation prescribed by any
41 body or agency, which provides for more stringent standards for its official and
42 employees.
43

44 **Article 308.** Revised Agency Merit Selection Plan. Agencies shall submit
45 to the CSC for BARM for approval of the revised Agency Merit Selection Plan in
46 accordance with the 2017 Omnibus Rules on Appointments and Other Human

1 Resource Action within six (6) months from date of the effectivity of said Code.
2 The rules provided herein shall be used as bases in the issuance of appointments
3 and attestation thereof should the agency fail to submit the revised Bangsamoro
4 Merit Selection Plan within said period.

5
6 **Article 309.** *Placement Process during Transition Period.* The institution
7 of a placement process for hiring of personnel during transition period including
8 the constitution of interim Bangsamoro Placement and Selection Boards shall be
9 based on the approved Transition Plan.

10
11 **Article 310.** *Mandatory Review Every Five Years.* The Bangsamoro
12 Parliament shall undertake a mandatory review of this Code at least once every
13 five (5) years and as often as it may deem necessary, with the primary objective
14 of providing a more responsive, efficient and accountable civil service.

15
16 **Article 311.** *Separability Clause.* If any part, section or provision of this
17 Code shall be held invalid or unconstitutional, no other part, section or provision
18 thereof shall be affected thereby.

19
20 **Article 312.** *Repealing Clause.* All laws and issuances pertaining to civil
21 service passed by the ARMM Regional Legislative Assembly are deemed repealed.

22
23 **Article 313.** *Effectivity.* This Code shall take effect after fifteen (15) days
24 following its complete publication in at least one (1) newspaper of general or
25 regional circulation.

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

32
33
34
35 This Act was finally passed into law on _____, 2020 Gregorian
36 Calendar and _____ the day of _____, 1441, Hijra Calendar.

37
38
39
40 **RABY ANGKAL**
41 Secretary General

42
43
44
45 **AHOD BALAWAG EBRAHIM**
46 Interim Chief Minister