



Republic of the Philippines
Bangsamoro Autonomous Region in Muslim Mindanao
BANGSAMORO PARLIAMENT
Bangsamoro Government Center, Cotabato City



**BANGSAMORO TRANSITION AUTHORITY
(SECOND REGULAR SESSION)**

BANGSAMORO AUTONOMY ACT NO. 17

Begun and held in Cotabato City, on Friday, the 29th day of March, 2019.

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

Be it enacted by the Bangsamoro Transition Authority in Parliament assembled:

**BOOK I
PRELIMINARY TITLE**

**Chapter I
GENERAL PROVISIONS**

Article 1. Title. This Code shall be known as the Bangsamoro Civil Service Code of 2021.

Article 2. Basis. Section 2 (i), Article II of Republic Act (R.A.) No. 11054, otherwise known as the Organic Law for the Bangsamoro Autonomous Region in Muslim Mindanao, provides that the Bangsamoro Government shall exercise its authority over the civil service without prejudice to the general supervision of the President of the Republic of the Philippines.

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

Article 3. Purpose. This Code is enacted to govern the conduct of civil servants, prescribe qualifications for non-elective positions, adopt an independent and credible merit and fitness system, protect civil service eligibles in various government positions, including Government-Owned or -Controlled Corporations (GOCCs) with original charters in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), and provide rules on disciplinary authority over the Bangsamoro Government's officials and employees.

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

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

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

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

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

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

- a. “Agency” means any ministry, bureau, office, commission, administration, board, institute, corporation, whether performing governmental or proprietary function, or any other unit of the Bangsamoro Government, as well as provincial, city or municipal government, except as hereinafter otherwise provided.
- b. “Bangsamoro” refers to those who, at the advent of the Spanish colonization, were considered natives or original inhabitants of Mindanao and the Sulu archipelago and its adjacent islands, whether of mixed or full blood.
- c. “Bangsamoro Government” refers to the corporate governmental entity with all the powers granted to it by the Constitution, Bangsamoro Organic Law and other statutes, as well as those necessary for, or incidental to, the governance of the BARMM, including the Bangsamoro Parliament, Bangsamoro Government of the Day, and various instrumentalities through which political authority is exercised.
- d. “Bangsamoro *Mufti*” refers to the head of the Bangsamoro *Darul-Ifta*’ as appointed by the Chief Minister of the BARMM in accordance with the provisions of the Bangsamoro Administrative Code.

- e. “*Bona Fide Resident*” refers to a qualified applicant who is, prior to appointment, a resident for a period of at least six (6) months of a particular barangay, municipality, city, or province.
- f. “Chief Minister” refers to the head of the Bangsamoro Government elected by a majority vote of the Members of the Parliament.
- g. “Civil Servant” refers to appointive and elective public officials and employees in the Bangsamoro Government, regardless of the nature of appointment, whether in the career or non-career service.
- h. “Civil Service” embraces all branches, subdivisions, instrumentalities, and agencies of the Bangsamoro Government including GOCCs with original charter in the BARMM.
- i. “Civil Service Commission for the Bangsamoro Autonomous Region in Muslim Mindanao (CSC for BARMM)” refers to the Civil Service Commission Regional Office as provided under Section 39, Article VII of R.A. No. 11054 and CSC Memorandum Circular (MC) No. 03, series of 2020.
- j. “Commission” refers to the Civil Service Commission as the central human resource agency of the Philippine Government.
- k. “Eligible” refers to a person who obtains a passing grade in a civil service examination or is granted civil service eligibility under special laws or issuances of the Commission which can be used for purposes of appointment in the government.
- l. “Examination” refers to a civil service examination conducted by the Civil Service Commission.
- m. “Gift” refers to a thing or a right to dispose of gratuitously, or any act or liberality, in favor of another who accepts it, and shall include a simulated sale or an ostensibly onerous disposition thereof.
- n. “Government Service” refers to the process or transaction between applicants or requesting parties and government agencies involving applications for any privilege, right, reward, license, clearance, permit or authorization, concession, or for any modification, renewal or extension of the enumerated applications or requests which are acted upon in the ordinary course of business of the agency or office concerned.
- o. “Highly Technical Position” refers to a position which requires the use of technical knowledge, specialized skills and/or training.
- p. “*Madaris Education*” refers to the recognized types or category of *madrasah* in the BARMM such as traditional *madrasah*, formal *madrasah*, and standard private *madrasah* as may be defined by the Bangsamoro Education Code.

- q. “Ministry” refers to a cabinet portfolio in the Bangsamoro Government exercising executive authority, created by the Bangsamoro Organic Law and those that may be created by law passed by the Parliament.
- r. “Moral Governance” refers to the set of rules, practices, and processes completely devoid of all evils of graft and corruption, and explicitly driven by the moral principles of utmost dedication, devotion, honesty, justice, integrity, and excellence (*ihsaan*).
- s. “*Mujahideen/Mujahidat*” refers to the legitimate members (men and women), of the Moro Islamic Liberation Front (MILF) and the Moro National Liberation Front (MNLF) duly certified by the Chair of their respective Central Committees.
- t. “Senior Deputy Chief Minister” refers to one of the deputies of the Chief Minister who is senior in age.

Chapter II

SCOPE OF THE BANGSAMORO CIVIL SERVICE

Article 7. *Bangsamoro Civil Service.* The Bangsamoro civil service embraces all public positions in the Parliament, Cabinet, and every agency, subdivision, and instrumentality of the Bangsamoro Government, including GOCCs with original charters.

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

Article 9. *Career Service.* The Bangsamoro career service shall be characterized by (1) entrance based on merit and fitness to be determined as far as practicable by competitive examinations; (2) opportunity for advancement to higher career positions; and (3) security of tenure.

The Bangsamoro Career Service shall include:

1. Open Career positions for appointment to which prior qualification in an appropriate examination is required;
2. Closed Career positions which are scientific or highly technical in nature; these include the faculty and academic staff of State Universities and Colleges (SUCs), and scientific and technical positions in scientific or research institutions which shall establish and maintain their own merit systems;
3. Personnel of GOCCs with original charter, whether performing governmental or proprietary functions, who do not fall under the non-career service; and
4. Permanent laborers, whether skilled, semi-skilled, or unskilled.

This provision does not apply to appointments to positions which are policy determining, primarily confidential, or highly technical.

Article 10. *Classes of Positions in the Career Service.* (1) Classes of positions in the career service, appointment to which requires examinations shall be grouped into two (2) major levels as follows:

- (a) The first level shall include clerical, trades, crafts, and custodial service positions which involve non-professional or sub-professional work in a non-supervisory or supervisory capacity requiring less than four (4) years of collegiate studies;
- (b) The second level shall include professional, technical and scientific positions which involve professional, technical or scientific work in a non-supervisory, supervisory, or executive/managerial capacity requiring at least four (4) years of college work up to Division Chief level; For purposes of this Code, positions in the second level shall be categorized into the following groups:
 - b.1. Non-supervisory – this includes professional, technical, and scientific positions performing work requiring the practice of profession or application of knowledge acquired through formal training in a particular field or the exercise of a natural, creative and artistic ability or talent in arts and letters. Also included in this category are positions involved in research and application of professional knowledge and methods to a variety of technological, economic, industrial and governmental functions.
 - b.2. Supervisory – this includes professional, technical and scientific positions in a department or agency or local government, which have the responsibility of overseeing the work of an organizational unit charged with a major or specialized activity. For this purpose, a supervisor shall be one who plans, programs, delegates tasks and evaluates performance of employees; monitors work outputs; maintains morale and discipline among employees; develops cooperation and ensures a well-coordinated workforce; and coordinates and cooperates with other organizational units within the agency.
 - b.3. Executive/Managerial – this includes professional, technical and scientific positions, the functions of which are managerial in character, exercising functions such as planning, organizing, directing, coordinating, controlling and overseeing the activities of an organization, a unit thereof or of a group, requiring some degree of professional, technical or scientific knowledge and experience, application of managerial skills required to carry out basic duties and responsibilities involving leadership, functional guidance and control. These positions require intensive and thorough knowledge of a specialized field. Agency heads are enjoined to set the qualification requirements and qualifying and/or promotional test for appointment to executive/managerial positions in the second level pursuant to CSC Resolution No. 1100472, promulgated 8 April 2011, in coordination with the Commission.

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

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

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

The Bangsamoro non-career service shall include:

1. Elective officials, *interim* officials of the Bangsamoro Transition Authority (BTA) and their personal or confidential staff;
2. Ministers and other officials of cabinet rank who hold positions at the pleasure of the Chief Minister and their personal or confidential staff;
3. Chairpersons and members of commissions and boards with fixed terms of office and their personal or confidential staff;
4. Contractual personnel or those whose employment in the Bangsamoro Government is in accordance with a special contract to undertake a specific work or job, requiring special or technical skills not available in the employing agency, to be accomplished within a specific period, which in no case shall exceed one (1) year, and performs or accomplishes the specific work or job, under his own responsibility with a minimum of direction and supervision from the hiring agency;
5. Positions which are policy determining or primarily confidential; and
6. Emergency and seasonal personnel.

Chapter III

HUMAN RESOURCE POLICIES AND STANDARDS

Article 12. *Recruitment and Selection.* Opportunity for government employment shall be open to all qualified citizens. Preference shall be given to Bangsamoro *bona fide* residents of the locality where the employment is situated; *Provided*, That such rule shall apply only to provincial, city, and municipal offices. In the case of regional positions, preference shall be given to *bona fide* residents of the region.

Positive efforts shall be exerted to attract the best qualified residents of the Bangsamoro Autonomous Region to enter the service. Employees shall be selected on the basis of fitness to perform the duties and assume the responsibilities of the positions.

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

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

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

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

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

The appropriate examinations herein referred to shall be those given by the Commission and the different agencies; *Provided*, That a person with a civil service eligibility acquired by successfully passing an examination shall be qualified for a position requiring a lower eligibility if he/she possesses the other requirements for appointment to such position.

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

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

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

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

Every agency of the Bangsamoro Government shall, in coordination with the DAB establish a continuing program of career and human resource development at all levels, and shall create a work environment conducive to the development of human resource skills, talents, and values for optimum public service.

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

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

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

Article 22. *Complaints and Grievances.* Public officials and employees within the BARMM shall have the right to present their complaints or grievances to management and have them adjudicated as expeditiously as possible in the best interest of the agency, the government as a whole, and the employee concerned. Such complaint or grievances shall be resolved at the lowest possible level in the ministry or agency, as the case may be, and the employee shall have the right to appeal such decision to higher authorities.

Each agency shall establish a grievance mechanism and promulgate rules and regulations governing the expeditious, fair, and equitable adjudication of employees' complaints or grievances in accordance with the policies enunciated by the Commission.

The provisions under Book V of this Code shall apply to disciplinary and non-disciplinary cases instituted at all levels of the agency.

Article 23. *Employee Suggestions and Incentive Awards System.* Each agency or local government unit (LGU) shall establish an employee suggestions and incentive awards system designed to encourage creativity, innovativeness, efficiency, integrity, and productivity in the public service by recognizing and rewarding Bangsamoro officials and employees, individually or in groups, for their suggestions, inventions, superior accomplishments and other personal efforts which contribute to the efficiency, economy, or other improvement in government operations, or for other extraordinary acts or services in the public interest.

BOOK II

QUALIFICATIONS OF NON-ELECTIVE POSITIONS

Chapter I

GENERAL POLICIES AND PROCEDURES ON APPOINTMENTS

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

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

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

- a. *Appointment Form.* The appointment form, which shall be in the prescribed CSC form, shall be used for appointments in the career and non-career service except those for casual appointments. The same may be translated to Arabic, when necessary. The appointment must be prepared in four (4) original copies: one (1)

copy each for the appointee, for the CSC for BARMM and for the agency, and for the Office of the Chief Minister (OCM).

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

1. *Name of the Appointee.* The name indicated on the appointment must be the same name appearing in the Certificate of Live Birth submitted by the appointee and the Certificate of Marriage, in the case of a married female employee who opts to use the surname of her husband. The name of the appointee should be written in the following format: first name, middle name or initial, last name and name extension, if any.
2. *Position Title, Salary/Job/Pay Grade and Step.* The position title, salary/job/pay grade and step (if applicable) indicated in the appointment shall conform to the approved Plantilla of Personnel and should be found in the Index of Occupational Services (IOS), Position Titles and Salary Grades (SG). The parenthetical title, if any, and salary/job/pay grade of the position shall be indicated after the position title. The parenthetical position title refers to the position title based on the actual duties and responsibilities in the Position Description Form (PDF) and shall be the basis for the qualification standards.
3. *Employment Status.* The employment status shall be indicated on the space provided therefor. It may be permanent, temporary, coterminous, fixed term, contractual, substitute, or provisional. For contractual appointment, the duration of employment shall be indicated on the space provided for the Status of Appointment.
4. *Agency.* The name of the agency shall be indicated in the appointment form. For station-specific appointments, the name of office or unit shall be indicated.
5. *Compensation Rate.* The corresponding amount of the monthly salary of the position based on the salary/job/pay grade and salary step thereof shall be indicated.
6. *Nature of Appointment.* The nature of appointment, which may be original, promotion, transfer, reemployment, reappointment, reinstatement, reclassification, or demotion, shall be indicated on the space provided therefor.
7. *Plantilla Information.* The name of the employee being replaced by the appointee should be indicated on the space provided, in addition to the Plantilla Item Number of the position and the page where the position can be found in the approved Plantilla of Personnel in the current year.
8. *Signature of the Appointing Officer/Authority.* The four (4) original copies of the appointment must be duly signed by the appointing officer/authority. The appointing officer/authority is the person or body authorized by law to make appointments in the Philippine civil service.

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

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

9. *Date of Signing.* The date of signing, which is the date of the issuance and the date of effectivity of the appointment, shall be indicated below the signature of the appointing officer/authority.
10. *Certification as to the Completeness and Authenticity of the Requirements.* The Human Resource Management Office (HRMO) shall thoroughly review and check the veracity, authenticity and completeness of all the requirements.
11. *Certification of Publication and Posting of Vacancy.* Vacant positions authorized to be filled shall be published and posted in the Bangsamoro Job Portal and at least three (3) conspicuous places for a period of at least 10 calendar days for Bangsamoro agencies, SUCs, and GOCCs with original charters in accordance with R.A. No. 7041 and its implementing guidelines, and not less than 15 calendar days for LGUs pursuant to Section 80 (a), Title Three, Book I, R.A. No. 7160, and Chapter IV Book II hereof.

The certification on the publication and posting of the vacant position including the date the deliberation was conducted by the Bangsamoro Promotion and Selection Board (BPSB) should be duly signed by the authorized HRMO.

12. *Certification of BPSB Evaluation/Screening.* If applicable, all appointees should be screened and evaluated by the BPSB whose composition is provided in Article 126. As proof thereof, a certification signed by the Chairperson of the BPSB at the back of the appointment specifying that the majority of the BPSB members was present during the deliberation or alternatively, a copy of the proceedings/minutes of the BPSB deliberation shall be submitted together with the appointment. The BPSB deliberation in the NGAs, GOCCs with original charters, and SUCs (for their administrative and support staff) shall commence not earlier than 10 calendar days from the date of posting and publication of vacant positions; and in the LGUs it shall not be made earlier than 15 calendar days from the date of posting and publication of vacant positions.
13. *Certification by the Placement Committee.* Reappointment to a comparable position as a result of reorganization pursuant to R.A. No. 6656 or other laws shall be assessed by the Placement Committee. As proof thereof, a certification shall be signed by the Chairperson of the Placement Committee at the back of the appointment.

- b. *Personal Data Sheet.* The Personal Data Sheet (PDS), as prescribed by the Commission, updated and accomplished properly and completely by the appointee, shall be attached to the appointment. Said PDS shall contain an authorization from the employee that the Commission, agency head or their authorized representative can verify/validate the contents therein. It shall also be subscribed and sworn to before the HRMO or his/her authorized official in the agency, any officer authorized to administer oaths or a notary public. The PDS may be accomplished by the appointee either through his/her own handwriting or via typewriter/computer and must bear his/her signature on every page with a passport-size ID picture taken within the last six (6) months attached at the last page thereof.
- c. *Position Description Form.* The PDF, as prescribed by the Department of Budget and Management (DBM) and the Commission, properly and completely accomplished, shall be attached to all appointments for authorized positions found in the Plantilla of Personnel and lump sum appropriation for contractual employees.

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

- a. *Appointment Form.* The Plantilla of Casual Appointment shall be in the CSC prescribed form. The appointment must be prepared in three (3) original copies appointee's copy, Commission's copy, and agency's copy. A maximum of 15 names of appointees, arranged alphabetically, shall be indicated in every page thereof.
- b. *Source of Funds.* The source of funds for casual appointment shall always be indicated on the space provided.
- c. *Name of Appointee/s.* The name indicated on the appointment must be the same name appearing in the Certificate of Live Birth submitted by each of the appointee and the Certificate of Marriage, in the case of a married female appointee who opts to use the surname of her husband. The name of the appointee should be written in the following format: last name, first name, name extension (if any), and middle name or initial.

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

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

- e. *Period of Employment.* The period of employment, which shall be the duration of the casual appointment of each appointee listed in the Plantilla of Casual Appointment shall be indicated in the following format: month, day and year (e.g. From: 07/01/2017 To: 12/31/2017).
- f. *Nature of Appointment.* The nature of appointment, such as original, reappointment or reemployment shall be indicated on the space provided.
- g. *Signature of the Appointing Officer/Authority.* The three (3) original copies of the appointment must be duly signed by the appointing officer/authority. The appointing officer/authority is the person or body authorized by law to make appointments in the Philippine civil service.

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

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

- h. *Date of Signing.* The date of signing, which is the date of the issuance and the date of effectivity of the appointment, shall be indicated below the signature of the appointing officer/authority.
- i. *Certification as to the Completeness and Authenticity of the Requirements.* The HRMO shall thoroughly review and check the veracity, authenticity and completeness of all the requirements and documents in support of the appointment. He/she shall sign the certification at the lower portion of the appointment.
- j. *Certification (For LGUs).* The Provincial/City/Municipal Accountant shall certify that funds are available for the subject appointment/s.

The appointing officer/authority shall certify that such appointment is issued in accordance with the limitations provided under Section 325 of R.A. No. 7160.

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

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

Chapter II

EMPLOYMENT STATUS

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

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

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

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

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

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

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

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

Article 31. *Substitute.* Substitute appointment is issued when the regular incumbent of a position is temporarily unable to perform the duties of the position, as when the incumbent is on an approved leave of absence, under suspension, on a scholarship grant or is on secondment. This is effective only until the return of the incumbent. A substitute appointment is allowed only

if the leave of absence of the incumbent is at least three (3) months, except in the case of teachers.

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

Article 32. *Coterminous.* Coterminous appointment is issued to a person whose tenure is limited to a period specified by law or whose continuity in the service is based on the trust and confidence of the appointing officer/authority or of the head of the organizational unit where assigned. Specifically, the categories of coterminous appointments are:

1. *Coterminous with the appointing officer/authority* — an appointment is coexistent with the term/tenure of the appointing officer/authority.
2. *Coterminous with the head of the organizational unit where assigned an appointment* is coexistent with the term/tenure of the head of the organizational unit to which he/she is assigned, who is not the appointing officer/authority.

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

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

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

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

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

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

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

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

Contractual appointments are limited to one (1) year, but may be renewed every year, based on performance, until the completion of the project or specific work. However, if the performance of the appointee is below satisfactory or where the funds have become insufficient or unavailable, the appointing officer/authority may terminate the services of, or replace, the appointee after giving the latter a notice at least 30 days prior to the date of termination of appointment.

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

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

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

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

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

Article 35. *Casual.* Casual appointment is issued only for essential and necessary services where there are not enough regular staff to meet the demands of the service and for emergency cases and intermittent period not to exceed one (1) year.

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

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

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

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

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

- a. Permanent - an appointment issued to an appointee who meets all the requirements of the position.

- b. Provisional - an appointment issued to an appointee who meets all the requirements of the position except the eligibility but only in the absence of a qualified eligible actually available who is willing to accept the appointment, as certified by the Schools Division Superintendent. It shall not be effective beyond the school year during which it was issued. The appointment may be subject to reappointment (renewal). Scholar-graduates of the Merit Scholarship Program of the Department of Science and Technology - Science Education Institute (DOST-SEI) shall be allowed to teach on provisional status, which appointment may be renewed every school year but not to exceed four (4) years.
- c. Temporary - an appointment issued to an appointee who meets all the requirements of the position except the education but only in the absence of applicants who possess the minimum educational qualification, as certified by the Schools Division Superintendent. It shall not be effective beyond the school year during which it was issued. The appointment may be subject to reappointment (renewal).
- d. Substitute - an appointment issued to an appointee when the regular incumbent of the position is temporarily unable to perform the duties of the position. It shall be effective until the return of the incumbent.

Appointees to substitute teaching positions shall be required to possess R.A. No. 1080 (Teacher) eligibility.

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

Appointees to contractual teaching positions for specialized subjects shall not be required to possess R.A. No. 1080 (Teacher) eligibility.

With respect to *madaris asatidz*, their different status of employment will be determined by the Bangsamoro Education Code.

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

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

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

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

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

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

Special promotions based on awards and/or acts of conspicuous courage and gallantry as provided under special laws, such as Sec. 6, R.A. No. 6713, Sec. 10 of R.A. No. 9263 as amended by R.A. No. 9592, and Executive Order (E.O.) No. 508, as amended by E.O. No. 77, shall be exempt from qualification requirements but subject to specific validation requirements as provided under the above-said special laws or their implementing rules and regulations.

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

The transfer may be from one organizational unit to another in the same agency or from one department or agency to another: *Provided, however,* That any movement from the non-career service to the career service and vice versa shall not be considered as a transfer but reappointment.

An employee who seeks transfer to another office shall notify the head of the agency in writing where he/she is employed at least 30 days prior to the effective date of his/her transfer. The head of the agency shall notify the employee in writing of the approval of the request to transfer within 30 days from date of notice.

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

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

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

Article 41. *Reemployment.* Reemployment is the appointment of a person who has been previously appointed to a position in the government service but was separated therefrom as a

result of reduction in force, reorganization, retirement, voluntary resignation, or any non-disciplinary action such as dropping from the rolls and other modes of separation. Reemployment presupposes a gap in the service.

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

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

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

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

Reappointment presupposed no gap in the service.

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

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

If, for whatever reason, the employee fails to transfer on the specified date, he/she shall be deemed resigned. However, should the employee opt to remain in the same agency before the specified date of transfer, the employee may be reappointed if there is no gap in the service or

reemployed if there is gap in the service. In both cases, the employee shall undergo the usual hiring process.

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

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

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

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

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

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

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

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

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

Article 46. *Notice of Change or Human Resource Movement.* Adjustments or movements of human resource which do not involve changes in position title, rank or status shall not require the issuance of an appointment. A notice of such change or movement shall be

issued to the employee. A copy thereof shall be kept in the employee's 201 File and another copy shall be submitted to the CSC for BARMM for record purposes.

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

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

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

- e. Demotion as a result of a disciplinary action - the adjustment of the salary of an employee to the next lower salary grade with the same salary step. A notice of salary adjustment shall be issued.
- f. Positions marked as Coterminous with The Incumbent (CTI) as a result of rationalization or reorganization of the agency — A person issued with a permanent appointment whose position is marked as CTI as a result of rationalization or reorganization of his/her agency shall retain his/her permanent status until he/she is appointed/promoted to another position, or resigns or retires from the service. The CTI status of the position shall be reflected in the Plantilla of Personnel of the agency.

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

Chapter III OTHER HUMAN RESOURCE ACTIONS

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

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

Reassignment shall be governed by the following:

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

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

An appointment is considered station-specific when: (a) the particular office or station where the position is located is specifically indicated on the face of the appointment paper; or (b) the position title already specifies the station, such as HRMO, Accountant, Budget Officer, Assessor, Social Welfare and Development Officer (SWDO), and such other positions with organizational unit/station-specific function. Such position titles are considered station-specific even if the place of assignment is not indicated on the face of the appointment.

2. If an appointment is not station-specific, the one-year maximum period of reassignment within the geographical location of the agency shall not apply. However, the employee concerned may request for a recall of the reassignment citing his/her reasons why he/she wants to go back to his/her original station. The reassignment may also be revoked or recalled by the appointing officer/authority or be declared not valid by the Commission or a competent court, on appeal.
3. Reassignment is presumed to be regular and made in the interest or exigency of public service unless proven otherwise or if it constitutes constructive dismissal. Constructive dismissal exists when an official or employee quits his/her work because of the agency head's unreasonable, humiliating, or demeaning actuations, which render continued work impossible because of geographic location, financial dislocation and performance of other duties and responsibilities inconsistent with those attached to the position. Hence, the employee is deemed illegally dismissed.

This may occur although there is no diminution or reduction in rank, status or salary of the employee.

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

- i. Reassignment of an employee to perform duties and responsibilities in consistent with the duties and responsibilities of his/her position such as from a position of dignity to a more servile or menial job;
- ii. Reassignment to an office not in the existing organizational structure;
- iii. Reassignment to an existing office but the employee is not given any definite set of duties and responsibilities;
- iv. Reassignment that will cause significant financial dislocation or will cause difficulty or hardship on the part of the employee because of geographic location; or
- v. Reassignment that is done indiscriminately or whimsically because the law is not intended as a convenient shield for the appointing/disciplining officer to harass or oppress a subordinate on the pretext of advancing and promoting public interest such as reassignment of employees twice within a year, or reassignment of career service officials and employees with valid appointments during change of administration of elective and appointive officials.

Reassignment that results in constructive dismissal must be sufficiently established.

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

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

Detail shall be governed by the following rules:

- a. The detailed employee shall receive his/her salary only from his/her parent agency;

- b. Detail without consent shall be allowed only for a period of one (1) year;
- c. Detail with consent shall be allowed for a maximum of three (3) years, the extension or renewal of the detail shall be discretionary on the part of the parent agency;
- d. Detail from one agency to another shall be covered by an agreement manifesting the arrangement between the agency heads that it shall not result in reduction in rank, status or salary of the employee, the duration of the detail, duties to be assigned to the employee and responsibilities of the parent agency and receiving agency;
- e. The employee may appeal the detail order within 15 days upon receipt to the Commission or the CSC for BARMM if he/she believes there is no justification for the detail. Pending appeal, the detail order shall be executory unless otherwise ordered by the Commission. The decision of the said CSC for BARMM may be further appealed to the Commission within 15 days from receipt;
- f. During the period of the detail, the parent agency relinquishes administrative supervision and control over the detailed employee to the receiving agency. In this regard, the receiving agency has the following responsibilities: to monitor the punctuality and attendance of the employee, approve requests for leave, evaluate the employee's performance, grant the authority to travel and exercise other acts necessary to effectively supervise the employee; *Provided*, That a report on said matters is submitted to the parent agency for record purposes;
- g. The detailed employee shall be designated by the receiving agency to a position whose duties are comparable to his/her position in the parent agency. However, he/she shall not be designated to a position exercising control or supervision over regular and career employees of the receiving agency;
- h. Prior to the effectivity of the detail, the parent agency shall furnish a certification of the available sick and vacation leave credits of the detailed employee to the receiving agency. In the event the receiving agency approves requests for leave by the detailed employee, a copy of the same shall be submitted to the parent agency;
- i. The authority to discipline the detailed employee is still vested in the appointing officer/authority of the parent agency where he/she belongs. As used herein, the authority to discipline includes the determination of the existence of a *prima facie* case against the detailed employee, issuance of a formal charge, issuance of the order of preventive suspension if the case so warrants, conduct of formal investigation, and rendering of the decision on the administrative case.

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

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

Article 50. Designation. Designation is the movement that involves an imposition of additional and/or higher duties to be performed by a public official/employee which is temporary and can be terminated anytime at the pleasure of the appointing officer/authority. Designation may involve the performance of the duties of another position on a concurrent capacity or on full-time basis.

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

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

Designation shall be governed by the following rules:

1. Employees to be designated should hold permanent appointments to career positions.
2. Designees can only be designated to positions within the level they are currently occupying. Employees holding first level positions cannot be designated to perform the duties of second level positions except in meritorious cases as determined by the CSC for BARMM upon request for exemption by the agency concerned, such as organizational set-up, calamity, and due to exigency of the service. This exception shall not apply to positions involving supervisory and executive managerial functions. Division Chiefs may be designated to perform the duties of second level executive/managerial positions.
3. For positions with incumbents who temporarily cannot perform the duties of the position (due to vacation or sick leave, study leave scholarship, maternity leave, special assignments), the designation should be synchronized with the absence of the incumbent, unless earlier revoked or recalled by the appointing officer/authority. However, the designation of employees may be renewed every year in the exigency of the service but not to exceed two (2) years.
4. For positions without incumbents, a designation may be made only for a maximum of one (1) year. However, the designation of employees may be renewed every year in the exigency of the service but not to exceed two (2) years.

5. Designations shall be made through an office order issued by the appointing officer/authority concerned.
6. For designation to critical positions in the LGUs such as Provincial/City/Municipal Government Department Head, a copy of the office order shall be furnished by the HRMOs of the LGUs to the CSC for BARMM within 30 days upon its issuance. Employees designated to positions with duties involving practice of profession shall be required to possess the necessary professional license.
7. Designees cannot be granted the salaries of the positions they are being designated to. However, allowances that go with the performance of the functions such as RATA (Representation and Transportation Allowance) or EME (Extraordinary and Miscellaneous Expenses) may be granted as provided under the provisions of the General Appropriations Act for the Bangsamoro (GAAB) or appropriation ordinance of the respective local *sanggunian*; *Provided*, the grant of the same is specifically stated in the designation order.
8. Only experience gained from designation compliant with the above stated rules shall be credited as relevant experience for purposes of appointment.

Article 51. Probationary Period. Original appointees in the career service with permanent status of appointment shall undergo a probationary period for six (6) months or depending on the requirement of the position, with a thorough assessment of his/her performance and character. Probationary period refers to the period of actual service following the issuance of a permanent appointment wherein the appointee undergoes a thorough character investigation and assessment of capability to perform the duties of the position enumerated in the PDF.

During this period, the appointee shall take: (a) a general orientation provided by the agency; and (b) a mandatory onboarding training, for first and second level positions, provided by DAB or a mandatory executive coaching, for second level positions performing executive/managerial functions, also provided by DAB.

The probationary period shall cover the following employees:

- a. Those who are issued original appointments under permanent status in the career service and who meet all the requirements of the positions;
- b. Non-career service employees who are reappointed/reemployed to a career position under permanent status;
- c. Temporary appointees who after meeting the eligibility requirements for a permanent appointment in the career service are reappointed (change of status to permanent);
- d. Those who are reemployed under permanent status;

- e. First-time appointees to closed career positions [faculty and academic staff in SUCs/Local Universities and Colleges (LUCs), and Scientist], unless otherwise provided under the agency Charter;
- f. Appointees to teaching positions under provisional status shall undergo a probationary period for not less than one (1) year from the date of the original provisional appointment;
- g. Appointees to Category III positions as provided in CSC MC No. 11, s. 1996, as amended shall be under probation for a period of one (1) year; and
- h. Appointees whose positions require probationary period as may be provided by law.

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

The following employees shall be exempted from undergoing probationary period:

- a) Teachers who, prior to issuance of permanent appointments, have acquired adequate training and professional preparation in any school recognized by the government, and possess the appropriate civil service eligibility pursuant to Section 4 of R.A. No. 4670;
- b) First-time appointees to closed career positions in SUCs, and scientific and research institutions if so provided under their agency Charters; and
- c) Appointees to positions exempted from the probationary period as may be provided by law.

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

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

- a. The immediate supervisor (rater) shall regularly gather feedback on the appointee's performance, and conduct feedback sessions to determine appropriate interventions to improve the appointee's performance;
- b. The performance appraisal/evaluation shall be done at least twice during the probationary period and within every three (3) months or six (6) months, depending on the duration of the probationary period, as required by the position;

- c. The performance review shall be conducted within 10 days before the end of every rating period during the probationary period.
- d. The critical factors to be reviewed shall be based on the performance dimensions indicated in the agency Strategic Performance Management System (SPMS) and may include competency (knowledge, skills and attitude), and job-related critical incidents, such as habitual tardiness and continuous absence from work;
- e. The performance evaluation report shall be reviewed and certified by the agency Performance Management Team (PMT) or any duly constituted review committee; and
- f. The probationers shall be furnished with copies of the records of feedback, job-related critical incidents, and performance evaluation reports with comments on their capability to meet the performance targets and work output standards and/or recommendation for the continuity of the permanent appointment of the probationer. Corresponding copies shall be included in the 201 File of the appointees.

Article 53. Termination for Unsatisfactory Conduct or Want of Capacity. The services of the appointee can be terminated for unsatisfactory conduct or want of capacity before the end of the second performance review on the sixth (6th) month or depending on the duration of the probationary period as required by the position.

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

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

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

1. Performance Evaluation Report;
2. Report of the concerned HRMO that the employee failed to attend the mandatory on boarding training/ mandatory executive coaching;

3. Report of the immediate supervisor (rater) on job-related critical and unusual incidents and on unsatisfactory conduct or behavior of the appointee; or
4. Other valid documents that may support the notice of termination of service.

The notice of termination of service shall be executory after 15 days from receipt of the employee concerned. The same may be appealed to the Commission, within 15 days from receipt of notice but shall be executory pending appeal. A copy of the notice of termination of service shall be included in the 201 File of the appointee and furnished the CSC for recording in the Service Card.

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

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

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

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

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

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

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

If the *sanggunian* does not act on the appointment within 15 calendar days from the date of its submission, said appointment shall be deemed concurred.

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

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

Article 56. *Submission of Appointment to the Commission.* An appointment shall be submitted to the Commission within 30 calendar days from the date of issuance. In case of appointments issued by accredited/deregulated agencies, the Report on Appointments Issued (RAI) together with the original CSC copy of appointments issued during the month and the required attachments shall be submitted on or before the 30th day of the succeeding month.

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

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

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

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

The cancellation of the appointment shall be reported to the Commission/CSC for BARMM for record purposes. The position is automatically deemed vacant upon cancellation of the appointment by the appointing officer/authority without the need for an approval or declaration by the Commission. The appointing officer/authority may select from among the top-ranking candidates for the position or order the re-publication of the vacant position pursuant to R.A. No. 7041.

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

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

Article 58. *Reckoning of Temporary Appointment.* In the case of temporary appointment, the 12-month period of its effectivity shall be reckoned from the date of the issuance of the appointment and not from the date the appointee assumed the duties of the position.

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

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

Chapter IV VACANCY

Article 61. *Publication and Posting Requirements of Vacant Positions.* Vacant positions in the career service, including vacant executive/managerial positions in the second level that are authorized to be filled, together with their corresponding qualification standards and plantilla item numbers, shall be published and posted in the place where the hiring agency is located, including the region, province, or city/municipality in three (3) conspicuous places for a period of at least 10 calendar days for vacancies in the Bangsamoro agencies, SUCs, and GOCCs with original charters in accordance with R.A. No. 7041 and its implementing guidelines, and not less than 15 calendar days for LGUs pursuant to Section 80 (a), Title Three, Book I, R.A. No. 7160 or a law to be passed by the Parliament.

Article 62. *Submission of the List of Vacancies to the Civil Service Commission for Bangsamoro Autonomous Region in Muslim Mindanao.* All Agencies shall submit a list of their vacant positions authorized to be filled and their corresponding qualification standards and plantilla item numbers in the CSC prescribed form in electronic and printed copies to the CSC for BARMM. The printed and the electronic copies shall be forwarded to the CSC for BARMM for publication.

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

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

- a. Primarily confidential;
- b. Policy-determining;
- c. Highly technical which includes the faculty and academic staff of SUCs/LUCs, and scientific and technical positions in scientific and research institutions with established merit systems;
- d. Coterminous with that of the appointing officer/authority, including other non-career positions such as contractual and casual identified under Section 9, Subtitle A, Title I, Book V of E.O. No. 292;
- e. Reappointment (change of status to permanent) of those appointed on temporary status for Category II positions under CSC MC No. 11, s. 1996, as amended;
- f. Reappointment (renewal) of those appointed on temporary status for Medical Officer/Specialist positions pursuant to Presidential Decree No. 1424, Further Amending R.A. No. 1243, as amended by R.A. No. 2251; or
- g. Those to be filled by existing regular employees in the agency in case of reorganization/rationalization; provided, the approved staffing pattern is posted in the agency bulletin boards and other conspicuous places.

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

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

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

Should no appointment be issued within the nine (9) month period, the agency has to cause the re-publication and re-posting of the vacant position.

Article 67. *Publication of Anticipated Vacancies.* Anticipated vacancies may be published in case of retirement, resignation, or transfer. The publication should not be earlier than 30 days prior to retirement, resignation, or transfer.

Chapter V

QUALIFICATION STANDARDS

Part I. General Policies

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

The establishment, administration and maintenance of qualification standards shall be the responsibility of the agency, with the assistance and approval of the Commission.

Agencies are encouraged to set specific or higher standards for their positions, including the required competencies. These standards shall be submitted to the Commission for approval, and once approved, the agency shall uniformly and consistently adopt these in the selection and appointment of employees. The approved qualification standards shall be adopted by the Commission in the attestation of appointments of the agency concerned.

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

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

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

Article 71. *Qualification Standards for Certain Positions that are Prescribed by a Special Law.* The qualification standards for department head and assistant department head positions (mandatory or optional) in LGUs, considered as executive/managerial positions, shall be those prescribed by R.A. No. 7160 and other special laws. For newly created department head and assistant department head positions, the qualification standards shall be equivalent or comparable to those prescribed by R.A. No. 7160.

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

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

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

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

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

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

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

Article 78. *Madaris Asatidz.* In the case of *madaris asatidz*, the Commission shall promulgate rules and regulations to set the standards for their qualifications, appointments, and promotions as provided for in the Bangsamoro Education Code. Pending the enactment thereof, the Commission shall base such rules and regulations on the recommendations of the Ministry of Basic, Higher and Technical Education (MBHTE).

Article 79. *Requirements in case of Request for Approval of Qualification Standards.* An agency which requests approval of qualification standards for particular position/s shall comply with the following requirements:

- a. Endorsement letter by the Agency Head;

- b. Charter of the agency;
- c. Organizational and Functional Chart of the Office or unit where the position/s belong;
- d. Plantilla of Positions or Staffing Pattern approved by the concerned agency of the Bangsamoro Government;
- e. Statement of duties and responsibilities of the position indicated in the PDF or Job Description (JD) certified by the agency's HRMO;
- f. If the position is newly created:
 - i. Letter of approval by the MFBM; or
 - ii. Board Resolution and Memorandum Order by the concerned agency for Bangsamoro GOCCs with original charter; or
 - iii. *Sanguanlian* Ordinance approving the creation of position for LGUs.
- g. Proposed qualification standards (in printed and electronic copy).

Part II. Education

Article 80. *Education Defined.* Education refers to the formal or non-formal academic, technical, and vocational studies that will enable the candidate to successfully perform the duties and responsibilities indicated in the PDF of the position to be filled. This includes *madaris* education as may be defined in the Bangsamoro Education Code.

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

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

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

Article 84. *Certificate of Completion of at least 72 Units.* Certifications issued by the schools deputized by MBHTE or CHED showing completion of at least 72 (non-K12 program) academic units leading to a degree under the Expanded Tertiary Education Equivalency and Accreditation Program shall be considered valid documents for meeting the education requirement for positions requiring completion of two-year studies in college.

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

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

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

Article 88. *Master's Degree or Certificate in Leadership and Management.* A graduate of the master's degree or Certificate in Leadership and Management Program (C-Pro) from the Commission shall be considered to have met the master's degree requirement for purposes of meeting the education requirement for division chief and second level positions performing executive/managerial functions.

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

Article 90. *Exemption from the Master's Degree Requirement.* R.A. No. 1080 eligibles shall be exempt from the master's degree requirement for division chief and executive/managerial positions the duties and responsibilities of which involve practice of profession or belong to the same occupational group or functionally related positions as that of the professions regulated by Bar or Board laws.

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

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

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

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

Part III. Experience

Article 94. *Experience Defined.* Experience refers to the previous jobs in either the government or private sector, whether full-time or part-time, which, as certified by the HRMO or authorized officials of the previous employer, are functionally related to the duties in the PDF of the position to be filled.

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

Article 96. *Full Time Volunteer Work.* Relevant experience acquired through volunteer work, on full time basis, as certified by the HRMO or authorized officials, may be considered for meeting the experience requirement.

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

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

Part IV. Training

Article 99. *Role of the Development Academy of the Bangsamoro.* The DAB as the central human capital development training and research arm of the Bangsamoro Government shall provide training and human resources development programs for BARMM officials and employees. The Bangsamoro Government shall coordinate with the Commission on the

accreditation of the DAB as a recognized training institution for the Bangsamoro Autonomous Region.

Article 100. *Training Defined.* Training refers to formal or non-formal training courses and HRD-interventions such as coaching, mentoring, job rotation, seminars, workshops, and others that are part of the employees Individual Development Plan/Career Development Plan. These trainings/learning and development interventions are intended to enable the candidate to successfully perform the duties and responsibilities as indicated in the PDF or JD of the position to be filled. These are evidenced by the Learning and Development Plan/Coaching and Mentoring Program approved by the agency head and Certificates issued by the HRMO or authorized official from the government or private sector.

Article 101. *Human Resource Development Intervention.* Continuous learning and development shall be espoused by the Bangsamoro Government. To achieve this purpose, the agency shall, in coordination with the DAB as well as other training institutions, ensure that each employee shall have undergone at least one (1) planned human resource development intervention during the year. A minimum of 40 hours supervisory/management training or learning and development intervention per year based on the Learning and Development Plan of the agency should be provided by the agency to incumbents of supervisory and managerial positions.

When appropriate, human resource development intervention may include Islamic values formation trainings or its equivalent.

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

- a. Any CSC accredited learning and development institutions;
- b. Government training institutions including the DAB;
- c. Non-accredited private training institution offering training of highly technical/specialized nature;
- d. Local training institution that is internationally acclaimed for meeting the global standards of excellence in training;
- e. Institution recognized by MBHTE or CHED as Center of Excellence or Development;
- f. Foreign institution that offers training for scholarship purposes or for personal advancement of participants; or
- g. Other institutions that partner with the Commission in building capabilities of civil servants.

Article 103. *Trainings Acquired from Recognized Institutions must be Relevant.* Training acquired from any of the aforementioned institutions must be relevant to the position to be filled and aligned with the strategy map or development goal of the institution or organization.

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

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

Article 105. *Number of Hours Required for Division Chief.* The learning and development/training required for Division Chief and comparable positions shall be 40 hours of supervisory/management learning and development intervention undertaken as determined by the Commission.

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

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

Article 107. *MCLE and CPE/CPD Constitute Technical Training.* For executive/managerial positions in the second level with duties and responsibilities involving practice of profession, the Mandatory Continuing Legal Education (MCLE) for Bar passers, the Continuing Professional Education/Development (CPE/CPD) for licensed professionals or trainings relevant to practice of profession, may constitute for a maximum of 40 hours of technical training and the remaining 80 hours shall be management trainings/learning and development interventions.

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

Article 109. *Amendments to Training Requirements.* Proposed amendments to the training requirements for executive/managerial positions as discussed in Articles 103 and 104 hereof, and other valid reasons shall be submitted to the Commission for approval. In the

absence of Commission-approved agency specific training requirements, the 120 hours of management training undertaken within a period determined by the Commission shall be required.

Part V. Eligibility

Article 110. *Eligibility Defined.* Eligibility refers to the result of passing a merit and fitness test which may be determined as far as practicable by competitive examination, or based on highly technical qualifications or other tests of merit and fitness conducted by the Commission, and other examinations such as the Professional Regulation Commission (PRC)-conducted board examinations, the Supreme Court (SC)-conducted bar examinations or the Civil Executive Service Board (CESB)-conducted Civil Executive Service (CES) examinations.

Article 111. *First Level Eligibilities Appropriate for First Level Positions; Exception.* First level eligibilities are appropriate for appointment to positions in the first level. They do not apply to those covered by bar/board/special laws, and other special eligibilities as may be determined by the Commission or those that require licenses such as those positions listed under Category IV of CSC MC No. 11, s. 1996, as amended.

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

Article 113. *Bar/Board Examination Passers.* Eligibilities resulting from passing the bar/board examinations shall be required for appointment to positions the duties of which constitute the practice of profession(s) regulated by the Philippine bar/board laws. Likewise, such eligibilities shall be considered appropriate to positions requiring the completion of at least a bachelor's degree and to other first and second level positions not covered by bar/board/special laws and/or those that require other special eligibilities as may be determined by the Commission or those that require licenses such as those positions listed under Category IV of CSC MC No. 11, s. 1996, as amended.

Article 114. *Board Passers Eligible to Other First Level Positions.* Eligibilities resulting from passing the board examinations which require completion of less than a bachelor's degree shall be considered appropriate to positions for which the examinations were given, and to other first level positions not covered by board/special laws and/or those that require other special eligibilities as may be determined by the Commission or those that require licenses such as those positions listed under Category IV of CSC MC No. 11, s. 1996, as amended.

Article 115. *Unassembled, Testimonial or Special Examinations.* Eligibilities resulting from passing the Unassembled, Testimonial or special examinations conducted by the Commission or by the agencies with the assistance of or in coordination with the Commission shall only be appropriate for appointment to the positions for which they were given, to other functionally related positions, and other positions as may be determined by the Commission.

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

Article 116. *Very Satisfactory Performance Eligibility Appropriate for Highly Skilled Positions.* Eligibilities granted after one (1) year of Very Satisfactory actual work performance under temporary status for positions listed under Category II of CSC MC No. 11, s. 1996, as amended, shall only be appropriate for appointment to highly skilled positions within the same occupational group or functionally related positions.

Article 117. *Eligibilities Under Category I (SCEP) Positions.* Eligibilities previously issued under Category I (SCEP) shall continue to be appropriate for permanent appointment to corresponding positions re-categorized under Category II and other functionally-related positions without undergoing one (1) year employment under temporary status, provided the other requirements are met.

Article 118. *Licenses Required Under Category IV Positions.* Licenses issued by authorized government agencies shall be required for appointment to positions listed under Category IV of CSC MC No. 11, s. 1996, as amended.

Article 119. *NAPOLCOM Eligibility.* Passing the National Police Commission (NAPOLCOM) examinations shall be considered as an eligibility appropriate only for appointment to uniformed personnel positions in the Philippine National Police, unless otherwise provided by law.

Article 120. *Shari'ah Bar Eligibility.* - Passing the *Shari'ah* Bar shall be considered as an eligibility appropriate for appointment to first and second level positions, except for positions covered by bar/ board/special laws and/or those that require other special eligibilities as may be determined by the Commission or those that require licenses such as those positions listed under Category IV of CSC MC No. 11, s. 1996, as amended; *Provided*, That they are college degree holders at the time they took the bar.

For *Shari'ah* Bar passers who do not have college degrees when they took the bar examinations, the eligibility shall be for appointment to first level positions.

For purposes of appointment, passers of the *Shari'ah* Bar Examinations shall be required to submit an authenticated copy of his/her Certificate of Membership in the *Shari'ah* Bar issued by the SC. Proof of attainment of college degree at the time of taking the *Shari'ah* Bar shall likewise be submitted for those seeking appointment to second level positions.

Chapter VI

MERIT SELECTION PLAN AND HUMAN RESOURCE MERIT AND SELECTION BOARD

Article 121. *Merit Selection Plan Coverage.* The Merit Selection Plan (MSP) shall cover positions in the first and second level and shall also include original appointments and other related human resource actions.

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

Article 122. *Different Bangsamoro Promotion and Selection Boards may be Constituted.* Each agency may constitute two (2) BPSB – one (1) for the first and second level positions and another for second level executive/managerial positions.

Each agency may establish special BPSB for specialized and highly technical positions or different sets of BPSB for its own purpose, but the same should be provided in their respective MSP to be submitted to the CSC for BARMM for approval.

Article 123. *BPSB to Assist the Appointing Authority.* The BPSB shall assist the appointing officer/authority in the judicious and objective selection of candidates for appointment in the agency in accordance with the approved Agency MSP.

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

Article 124. *Report of BPSB's Assessment.* The appointing officer/authority shall be guided by the report of the BPSB's assessment of candidates and in the exercise of sound discretion, select, insofar as practicable, from among the top five (5) candidates or less, depending on the number of candidates, who is deemed most qualified for appointment to the vacant position.

Article 125. *Applicant Ranked Higher than Next-in-Rank may be Appointed.* The appointing officer/authority may appoint an applicant who is ranked higher than those next-in-rank to the vacant position based on the assessment of qualifications/competence evidenced by the comparative ranking.

Article 126. *Composition of the BPSB.* There shall be BPSB to be composed of the following:

1. *FIRST and SECOND LEVEL POSITIONS*

For Ministries/GOCCs:

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

Members:

- a) Head of organizational unit where vacancy exist, or his/her designated alternate;
- b) HRMO or the career service employee directly responsible for recruitment, selection and placement, or his/her designated alternate; and

- c) Two (2) regular and alternate representatives of the rank and file career employees, from the first level and from the second level, who shall all be chosen by the duly accredited employees association in the agency.

For LGUs:

Chairperson: The Local Chief Executive, or his/her authorized representative.

Members:

- a) Vice/Governor/Vice Mayor or his/her authorized representative, if the vacant position is in his/her Office or in the Office of the *Sanggunian*;
- b) Head of organizational unit where vacancy exist, or his/her designated alternate;
- c) HRMO or the career service employee directly responsible for recruitment, selection and placement, or his/her designated alternate; and
- d) Two (2) regular and alternate representatives of the rank and file career employees, from the first level and from the second level, who shall all be chosen by the duly accredited employees association in the agency.

2. EXECUTIVE/MANAGERIAL POSITIONS

For Ministries/GOCCs:

Chairperson: Minister or his/her authorized representative.

Members:

- a) Director-General or its equivalent or his/her authorized representative or designated alternative; and
- b) Director for Administration or his/her authorized Representative or designated alternate.

For LGUs:

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

Members:

- a) Vice Governor/Vice Mayor or his/her authorized representative, if the vacant position is in his/her Office or in the Office of the *Sanggunian*; and
- b) Two (2) Department Heads, one of which is preferable the HRM Department Head or equivalent or their designated alternates.

Article 127. *Official to Supervise Human Resource Management.* The highest official in-charge of the human resource management shall be the official directly supervising the human resource management of the agency.

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

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

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

Article 128. *Office Order to Identify Principal and Alternate Members of the BPSB.* The agency head shall issue an Office Order identifying the principal members of the BPSB and their designated alternates. The CSC for BARMM should be furnished with a copy of the Office Order. For LGUs, the BPSB shall be chaired by the local chief executive or his/her authorized representative, and its members shall be determined by resolution of the *sanggunian* concerned. A copy of which should also be furnished the CSC for BARMM.

Article 129. *Equal Opportunity for Representation in the BPSB.* The agency head shall, as far as practicable, ensure equal opportunity for men and women to be represented in the BPSB for all levels of positions.

Article 130. *Prescribed Composition may be Modified.* The membership of the BPSB can be modified, provided it conforms to the prescribed composition. Each agency may add a reasonable number of members, but the prescribed composition may not be reduced. The BPSB members must be duly designated and their names posted in the agency bulletin board. Any change in the composition of the BPSB should be reported to the CSC for BARMM.

For LGUs, the same composition should be followed. In no instance should the BPSB be composed entirely of the members of the local *sanggunian*.

Article 131. *Role of Human Resource Management Office/Unit.* The HRM Office/Unit shall perform secretariat and technical support function to the BPSB for the comparative assessment and final evaluation of candidates. It shall also evaluate and analyze results of structured background investigation for second level supervisory and second level positions performing executive/managerial functions.

The HRM Officer, as a member of the BPSB, shall not act as secretariat to the BPSB. For agencies with only one appointed or designated HRM Officer, the agency head shall designate an employee from other units to act as the secretariat.

Article 132. *Orientation and Workshop Required.* The BPSB members including alternate representatives shall undergo orientation and workshop on the agency selection/promotion process and Commission policies on appointments.

Article 133. *Majority Required in the Deliberation.* The BPSB shall be represented by at least the majority of its members during the deliberation of candidates for appointment.

Article 134. *Deliberation, How and When Conducted.* The BPSB shall maintain fairness and impartiality in the assessment of candidates for appointment. Towards this end, the BPSB may employ the assistance of external or independent resource persons and may initiate innovative schemes in determining the best and most qualified candidate.

The deliberation by the BPSB in the ministry and GOCCs with original charters shall not be made earlier than 10 calendar days from the date of publication and posting of vacant positions; and in the LGUs it shall not be made earlier than 15 calendar days from the date of publication and posting of vacant positions. An appointment issued in violation of these rules shall be disapproved/invalidated.

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

- a. Substitute appointment due to its short duration and emergency nature;
- b. Appointment of faculty members and academic staff of SUCs and LUCs who belong to the closed career service;
- c. Reappointment to change the employment status from temporary to permanent upon meeting the deficiency or to renew the appointment of a temporary employee, if upon publication there are no qualified applicants and his/her performance rating is at least Very Satisfactory (VS) for two (2) rating periods; or
- d. Appointments to casual, contractual, coterminous and other non- career positions as identified under Section 9, Subtitle A, Title I, Book V of E.O. No. 292.

Article 135. *Performance Rating Required.* An employee should have obtained at least VS performance rating in the last rating period prior to the assessment or screening for promotion or transfer.

The performance rating of at least VS in the last rating period shall not be required for promotion from first to second level entry positions.

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

Article 136. *When to Fill Up Vacancies Resulting from Promotion.* Agency shall not fill up vacancies resulting from promotion until the promotional appointments have been approved/validated by the Commission, except in meritorious cases, as may be authorized by the Commission.

Article 137. *Three (3) Salary, Pay or Job Grades Limitation; Exceptions.* An employee may be promoted to a position which is not more than three (3) salary grades, pay, or job grades higher than the employee's present position. All appointments issued in violation of this policy shall be disapproved/invalidated, except when the promotional appointment falls within the purview of any of the following exceptions:

- a. The position occupied by the person is next-in-rank to the vacant position as identified in the MSP and the System of Ranking Positions (SRP) of the agency;
- b. The vacant position is a lone or entrance position, as indicated in the agency staffing pattern;
- c. The vacant position is hard to fill, such as Accountant, Medical Officer/Specialist, Attorney, or Information Technology Officer/Computer Programmer positions;
- d. The vacant position is unique and/or highly specialized, such as Actuarial, Airways Communicator positions;
- e. The candidates passed through a deep selection process, taking into consideration the candidates' superior qualifications in regard to:
 - i. Educational achievements;
 - ii. Highly specialized trainings;
 - iii. Relevant work experience; and
 - iv. Consistent high performance rating/ranking.
- f. The vacant position belongs to the closed career system, i.e., those that are scientific, or highly technical in nature that include the faculty and academic staff of SUCs, and the scientific and technical positions in scientific or research institutions, all of which establish and maintain their own merit systems; and
- g. Other meritorious cases, such as:
 - i. when the appointee is the lone applicant who meets all the requirements of the position and passed through the deep selection process;
 - ii. when the qualified next-in-rank employees waived their right over the vacant position in writing;
 - iii. when the next-in-rank position, as identified in the agency SRP is vacant;
 - iv. when the next-in-rank employee/s is/are not qualified; or
 - v. when the qualified next-in-rank employees did not apply.

Article 138. *Applicability of Three (3) Salary Grade Limitation.* The three-salary grade limitation shall apply only to promotion within the agency. This prohibition shall not apply to the following human resource actions which involve issuance of an appointment:

- a. Transfer incidental to promotion provided that the appointee was subjected to deep selection;
- b. Reappointment involving promotion from non-career to career provided the appointee was subjected to deep selection;
- c. Reappointment from career to non-career position;
- d. Re-employment; or
- e. Reclassification of position.

Article 139. *Strict Observance of the Above Conditions Enjoined.* In the selection process, agency heads are enjoined to strictly observe the above conditions to avoid disapproval or invalidation of promotional appointments.

Article 140. *Evaluation of the Manner and Merit of the Issuance of Appointment.* In the evaluation of promotional appointments, the CSC for BARMM shall make a thorough evaluation of the manner and merit of the issuance of the appointment vis-a-vis the reasons or justifications of the appointing authority before taking any action on the appointments.

Article 141. *Submission of Selection and Recruitment Plan.* To facilitate review and evaluation of appointments, all agencies are required to submit their SRP to the CSC for BARMM. The agency SRP shall be used as one of the bases for determining whether agencies observe the policy on the three-salary grade limitation on promotion as herein provided.

Article 142. *Submission of Agency Merit Selection Plan.* All Bangsamoro agencies shall submit their Agency MSP to the CSC for BARMM, which shall take effect immediately upon approval. All subsequent amendments shall take effect immediately upon approval by the CSC for BARMM.

Article 143. *Signed MSP, a Valid and Binding Contract.* The agency MSP signed by the head of the agency shall be considered as a valid contract binding among the head of agency, the employees, and the Commission. As such, non-compliance by the agency with the policies and procedures provided therein shall be considered as a ground for disapproval/invalidation of appointment. The same can be a ground for administrative disciplinary action against the official or employee who caused the violation.

Chapter VII

MODES OF SEPARATION

Article 144. *Resignation Defined.* Resignation is an act of an official or employee by which he/she voluntarily relinquishes in writing his/her position effective on a specific date which shall not be less than 30 days from the date of such notice or earlier as mutually agreed upon by the employee and the appointing officer/authority. To constitute a complete and operative resignation of an official or employee, there must be a written intention to relinquish the office, the acceptance by the appointing officer/authority and a written notice of such acceptance duly served to the official or employee concerned.

Resignation shall be governed by the following rules:

- a. An official or employee is deemed to have tendered his/her resignation upon receipt by the appointing officer/authority of the former's written resignation;
- b. Pending receipt by the official or employee of the action taken by the appointing officer/authority on the resignation, the official or employee shall remain in office and retain all the powers, duties, and responsibilities appurtenant thereto;
- c. The appointing officer/authority shall act on the notice of resignation within 30 days from receipt thereof. In case the resignation of the official or employee remains unacted upon for 30 days from receipt of the formal letter of resignation by the appointing officer/authority, it shall be deemed complete and operative on the specified date of effectivity or 30 days from submission thereof, in cases where the effectivity date is not specified. It is understood, however, that the required clearance from money, property and work-related accountabilities shall be secured by the official or employee before or immediately after the date of effectivity of resignation;
- d. In the interest of service, however, the appointing officer/authority may set a date of effectivity of the resignation, but in no case shall be earlier than the date specified in the letter of resignation or 30 days from submission thereof;
- e. The acceptance of resignation is mandatory. The appointing officer/authority may suspend the effectivity date of resignation despite its initial written notice of acceptance due to any of the following reasons:
 1. When the country is at war or when any other national or local emergency has been declared by the appropriate authority;
 2. When it is necessary to prevent loss of life or property or in case of imminent danger to public safety due to an actual or impending emergency caused by serious accidents, fire, flood, typhoon, earthquake, epidemic or other disaster or calamity; and
 3. A resignation previously suspended due to any of the abovementioned reasons shall nonetheless be effective 30 days after the circumstances

causing the previous suspension has ceased as certified by the appropriate authority or the appointing officer/authority.

- f. If the last day of the period given to the appointing officer/authority to act and furnish copy of the written action on the tendered resignation falls on a holiday or non-working day, copy of the written action shall be furnished the official or employee concerned on the next working day immediately following a holiday or non-working day;
- g. The official or employee concerned may withdraw the tender of resignation any time prior to receipt of notice of acceptance of the resignation from the appointing officer/authority or before the lapse of the 30-day period given for the latter to act on the resignation, whichever comes first;
- h. Until the resignation is accepted, the tender of resignation is revocable. Once the resignation is deemed complete and operative, the withdrawal thereof shall not automatically restore the employee to his/her former position;
- i. The following documents shall be submitted to the CSC for BARMM within 30 calendar days from the date of the effectivity of the resignation, for record purposes:
 - 1. The voluntary written notice of the employee informing the appointing officer/authority that he/she is relinquishing his/her position and the effectivity date of said resignation;
 - 2. The acceptance of resignation in writing by the agency head or appointing officer/authority which shall indicate the date of effectivity of the resignation; and
 - 3. The proof of notice of the acceptance of resignation to the employee.
- j. An official or employee under investigation, except those prohibited by law, may be allowed to resign pending decision of his/her case without prejudice to the continuation of the proceedings until finally terminated.

Article 145. *Dismissal Defined.* Dismissal is the termination or the act of being discharged from employment or service for cause. It is the definite severance of an officer or employee from government service on the initiative of the agency, Commission, Ombudsman, or regular courts.

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

Article 146. *Other Modes.* For other modes of separation such as dropping from the rolls, termination/expiration of temporary, coterminous, contractual or casual appointment, retirement, or death, a copy of the order of dropping from the rolls or notice of separation signed by the appointing officer/authority stating the date of such separation, or the death certificate shall be submitted by the HRMO to the CSC for BARMM within 30 calendar days from the date of the effectivity of the dropping from the rolls, date of separation, or death for record purposes.

Chapter VIII **DISAPPROVAL, INVALIDATION, AND RECALL** **OF APPROVAL/VALIDATION OF APPOINTMENTS**

Article 147. *Grounds for Disapproval or Invalidation.* The following are the grounds for disapproval or invalidation of an appointment:

- a. The appointee does not meet the qualification standards for the position;
- b. The appointee has been dismissed for cause as enumerated in Section 50 (A), Rule 10 of the 2017 RACCS or has been found guilty of a crime where perpetual/temporary disqualification from appointment is attached to the penalty thereof, unless an executive clemency has been granted;
- c. The appointee has intentionally made a false statement of any material fact or has practiced or attempted to practice any deception or fraud in connection with his/her appointment;
- d. The appointment has been issued in violation of the CSC-approved MSP of the agency;
- e. The contractual/casual appointment has been issued to fill a vacant position in the plantilla of personnel or the contractual/casual appointee will perform the duties and responsibilities of the vacant position; or
- f. The appointment has been issued in violation of existing Civil Service Law, rules and regulations, the Board/Bar, R.A. No. 7160, R.A. No. 7041, B.P. Blg. 881, as amended and other pertinent laws.

Article 148. *Termination of Services.* When an appointment is disapproved/invalidated, the services of the appointee shall be terminated after 15 days from receipt of the letter/decision disapproving/invalidating the appointment, unless a motion for reconsideration or appeal is seasonably filed.

Article 149. *Appointment Deemed Effective Pending Affirmation of Disapproval/Invalidation.* If the appointment, regardless of the status, is disapproved/invalidated on grounds which do not constitute a violation of pertinent laws as provided in Article 144 of this Code, the same is considered effective until the disapproval/invalidation is affirmed by the CSC for BARMM or the Commission. The services rendered shall be credited as government services and the appointee shall be entitled to the payment of salaries from the government as a de facto officer. However, the pendency of the appeal on disapproved/invalidated temporary,

contractual and casual appointments shall not extend the period of effectivity thereof as provided for in the appointment forms.

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

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

An appointment which is disapproved/invalidated on grounds that constitute a violation of pertinent laws as provided in Article 147 of this Code may be appealed and the appointee may continue to render services. In the event the disapproval/invalidation is affirmed by the Commission, it becomes executory. The services rendered shall not be credited as government service and the appointing authority/officer shall be personally liable for the payment of salaries.

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

Article 150. *Liability of Appointing Authority.* When the disapproval/invalidation of the appointment is attributable to the appointing authority, the latter shall be personally liable for the salary of an appointee paid after the Commission has finally disapproved/invalidated the appointment. Such liability over the salaries of the disqualified appointive personnel shall be without prejudice to other administrative and criminal liability.

Article 151. *Reversion to position.* An employee whose promotional appointment is disapproved/invalidated shall be reverted to his/her former position, if applicable.

Article 152. *Appointments Made by Outgoing Elective Officials.* All appointments issued after an election up to June 30 by outgoing elective appointing officer/authority shall be disapproved/invalidated unless all the following requisites relative to their issuance are met:

- a. The appointee meets the approved minimum qualification standards or qualification standards required under special law, if any, for the position to which he/she was appointed;

- b. The appointee has undergone the Bangsamoro Promotion and Selection Board (BPSB) screening prior to the election ban. In this case, the appointing officer/authority or agency shall submit the minutes of the BPSB meetings and the evaluation report of the applicants;
- c. There is an urgent need for the issuance of the appointment/s so as not to prejudice public service or endanger public safety; and
- d. Civil Service Law, rules and regulations and special laws, if any, on the issuance of appointments are followed.

Article 153. *Appointments Made by Outgoing Appointive Officials.* All appointments issued after a Bangsamoro Regional election up to June 30 by an appointive appointing officer/authority coterminous with the Chief Minister shall be disapproved/invalidated, unless all the requisites as provided in Article 152 hereof relative to their issuance are met.

Article 154. *Mass Appointments.* The issuance of mass appointments of more than 20 appointments may be allowed provided the above conditions in Articles 152 and 153 of this Code, as the case may be, are followed.

Article 155. *Prior Authority before Appointment.* If in the exigency of the service, the outgoing appointing officer/authority, whether elective or appointive, opts to reappoint temporary, casual and/or contractual employees or appoint/reappoint substitute teachers, during reorganization, etc., after the elections or before June 30 of an election year, prior authority must be obtained from the concerned CSC for BARMM; otherwise, such appointments shall be disapproved/invalidated.

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

Article 156. *Recall of Appointment.* Notwithstanding the initial approval/validation of an appointment, the same may be recalled by the CSC for BARMM or by the Commission on any of the following grounds:

- a. Non-compliance with the procedures/criteria provided in Commission-approved agency Merit Selection Plan;
- b. Failure to pass through the agency's BPSB; or
- c. Violation of existing Civil Service Law, rules, and regulations.

Article 157. *Effect of Appointment Already Accepted by the Appointee.* The appointing officer/authority shall not withdraw or revoke an appointment already accepted by the appointee. Such appointment shall remain in full force and effect until disapproved/invalidated by the Commission. However, in case an appointment is void from the beginning due to fraud on the part of the appointee or because it was issued in violation of law, the proper appointing officer/authority may request the Commission for its withdrawal or revocation. Provided that if a protest on the appointment is filed, the Rules on Protest under the 2017 RACCS shall apply.

Article 158. *Executive Clemency.* No person who has been dismissed or perpetually excluded/disqualified from government service shall be appointed or reemployed unless he/she has been granted executive clemency by the President of the Philippines upon recommendation of the Commission.

Article 159. *Prohibited Promotion.* Promotion within six (6) months prior to compulsory retirement shall not be allowed except as otherwise provided by law.

Article 160. *Appointment after Compulsory Retirement Age Not Allowed; Exception.* No person who has reached the compulsory retirement age of 65 years can be appointed to any position in the government, except to a primarily confidential position.

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

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

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

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

- a. Request for extension of service signed by the head of office/appointing officer/authority or the employee in case of extension to complete the 15-year service required under the GSIS Law, containing the justifications for the request;
- b. Certification by a licensed government physician that the employee subject of the request is still mentally and physically fit to perform the duties and functions of his/her position;
- c. Certified true copy of the employee's Certificate of Live Birth;
- d. Clearance of no pending administrative case issued by the Commission, Office of the Ombudsman, and agency concerned;
- e. Service record of the employee, if the purpose of the extension is to complete the 15-year service requirement under the GSIS Law;

- f. Certification from the GSIS on the Total Length of Service (TLS) of the employee for those who are completing the 15-year service requirement;
- g. Certified true copy of the updated Plantilla of Personnel issued by the agency HRM Officer; and
- h. Proof of payment of the filing fee.

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

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

Article 161. *Prohibited Transfer or Appointment.* Unless allowed by the Commission in meritorious cases, heads of oversight agencies and their staff are prohibited from transferring or being appointed to any position in the agency or LGU which their unit is assigned or designated to oversee within one year after the termination of such assignment or designation.

Article 162. *Limitation to Performance of Duties.* No person appointed to a position in the non-career service shall perform the duties properly belonging to any position in the career service.

Article 163. *Limitation to Designation.* No consultant, contractual, non-career or detailed employee shall be designated to a position exercising control or supervision over regular and career employees, except as may be provided by law.

Article 164. *Contract of Service Employees.* No institutional or individual contract of service employees shall be made to perform functions pertaining to regular positions nor be designated to positions exercising control or supervision over regular and career employees.

Article 165. *Discrimination in Whatever Form Prohibited.* No discrimination shall be exercised, threatened or promised against or in favor of any person examined or to be examined or employed by reason of his/her political or religious opinions or affiliations, sex, sexual orientation and gender identity, civil status, age, disability, or ethnicity.

Article 166. *Changes in Designation or Nomenclature Not Allowed.* No changes in designation or nomenclature of positions resulting in promotion or demotion in rank or increase or decrease in compensation shall be allowed in LGUs, except when the position is actually vacant.

Article 167. *Prohibited Private Business or Practice of Profession; Exemptions.* No officer or employee, whether in a permanent or regular capacity, temporary, casual, or hold-over, shall engage directly or indirectly in any private business or practice of profession. Exemptions may be allowed, subject to the limitations provided under RA No. 6713 and other special laws. Provided, further that the following requirements/conditions are met:

- a. Written permission from the head of agency must be secured and renewed annually;
- b. Time devoted outside of office hours shall not impair in any way the efficiency of the officer or employee nor pose a conflict or tend to conflict with the official functions and must be fixed by the head of agency; and
- c. Government facilities, equipment, and supplies shall not be used while engaged in private business or practice of profession.

Article 168. *Dual Citizenship not Allowed in Government Service.* A person with dual citizenship shall not be appointed in the government unless he/she renounces his/her foreign citizenship pursuant to the provisions of R.A. No. 9225. However, even if he/she has renounced his/her foreign citizenship, but continues to use his/her foreign passport in travelling after renunciation, he/she shall not be considered for appointment in the government service.

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

Article 169. *Candidates or Those Occupying Public Positions and/or in Active Service in Foreign Countries Not eligible for Appointment.* The right to be appointed to any public office in the Philippines cannot be exercised by, or extended to, those who are candidates for or are occupying any public office in the country of which they are naturalized citizens and/or are in active service as commissioned or non-commissioned officers in the armed forces of the country of which they are naturalized citizen.

BOOK III CONDUCT OF CIVIL SERVANTS

Chapter I CIVIL SERVANTS

Article 170. *Norms of Conduct of Civil Servants of the Bangsamoro Government.* (A) Every public official and employee in the Bangsamoro Government shall observe the following as standards of personal conduct in the discharge and execution of official duties:

- a. *Adherence to Moral Governance.* Bangsamoro Government officials and employees shall uphold the set of rules, practices, and processes of governance completely devoid of all evils of graft and corruption, and shall be explicitly driven by the moral principles of utmost dedication, devotion, honesty, justice, and integrity. The application of commitment to moral governance requires a high

sense of sincerity (*ikhlaas*), perfection (*itqaan*), excellence (*ihsaan*), and optimism (*tafaa-ul*).

- b. *Commitment to Public Interest.* Public officials and employees shall always uphold the public interest over and above personal interest. All Bangsamoro Government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues.
- c. *Professionalism.* Public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence, and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.
- d. *Justness and Sincerity.* Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, *Adat* or the Moro or non-Moro indigenous people's customary law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs.
- e. *Political Neutrality.* Public officials and employees shall provide service to everyone without unfair discrimination and regardless of party affiliation or preference.
- f. *Responsiveness to the Public.* Public officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, public officials and employees shall provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape including undue and unreasonable delay in the delivery of government services and the conduct of government affairs, and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas. This includes compliance with R.A. No. 11106.
- g. *Nationalism and Patriotism.* Public officials and employees shall at all times be loyal to the Republic, the Bangsamoro, and to the Filipino people, promote the use of locally produced goods, resources, and technology, and encourage appreciation and pride of country and people. They shall endeavor to maintain and defend Philippine sovereignty against foreign intrusion. This includes respect for Filipino Language as the national sign language.

- h. *Commitment to Democracy.* Public officials and employees shall commit themselves to the democratic way of life and values, maintain the principle of public accountability, and manifest by deeds the supremacy of civilian authority over the military. They shall at all times uphold the Constitution and put loyalty to country above loyalty to persons or party.
- i. *Simple Living.* Public officials and employees and their families shall lead modest lives appropriate to their positions and income. They shall not indulge in extravagant or ostentatious display of wealth in any form.
- j. *Respect for Human Dignity.* Public officials and employees shall be compassionate and approach anyone seeking the service of their agency in a courteous and professional manner. They shall discharge their duties in a manner that is caring and gender-sensitive. They shall ensure that the right to human dignity will be regarded with utmost respect at all times.
- k. *Uphold Equality.* Public officials and employees shall at all times be committed to public service and avoid discrimination. They shall render public service with the highest degree of excellence and professionalism to the Bangsamoro people and other stakeholders without distinction of any kind, such as race, ethnicity, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

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

Article 171. Duties of Public Officials and Employees. In the performance of their duties, all public officials and employees are under obligation to:

- (a) Uphold moral governance in dealing with his/her fellow civil servants and the public;
- (b) Act promptly on letters and requests:
 - i. All applications or requests submitted shall be acted upon by the assigned officer or employee within the prescribed processing time stated in the Citizen's Charter which shall not be longer than three (3) working days in the case of simple transactions and seven (7) working days in the case of complex transactions from the date the request and/or complete application or request was received;
 - ii. For applications or requests involving activities which pose danger to public health, public safety, public morals, public policy, and highly technical

application, the prescribed processing time shall in no case be longer than 20 working days or as determined by the government agency or instrumentality concerned, whichever is shorter;

- iii. The maximum time prescribed above may be extended only once for the same number of days, which shall be indicated in the Citizen's Charter. Prior to the lapse of the processing time, the office or agency concerned shall notify the applicant or requesting party in writing of the reason for the extension and final date of release of the government service/s requested. Such written notification shall be signed by the applicant or requesting party to serve as proof of notice;
- iv. If the application or request for license, clearance, permit, certification or authorization shall require the approval of the *Sangguaniang Bayan*, *Sangguaniang Panlungsod*, or the *Sangguaniang Panlalawigan* as the case may be, the *sangguanian* concerned shall be given a period of 45 working days to act on the application or request, which can be extended for another 20 working days. If the *sangguanian* concerned has denied the application or request, the reason for the denial, as well as the remedial measures that may be taken by the applicant shall be cited by the concerned *sangguanian*;
- v. In cases where the cause of delay is due to *force majeure* or natural or human-made disasters, which result in damage or destruction of documents, and/or system failure of the computerized or automatic processing, the prescribed processing times mandated shall be suspended and appropriate adjustments shall be made;
- vi. No application or request shall be returned to the applicant or requesting party without appropriate action. In case an application or request is disapproved, the officer or employee who rendered the decision shall send a formal notice to the applicant or requesting party within the prescribed processing time, stating therein the reason for the disapproval. A finding by a competent authority of a violation of any or other laws by the applicant or requesting party shall constitute a valid ground for the disapproval of the application or request, without prejudice to other grounds provided in this Act or other pertinent laws;
- vii. *Denial of Application or Request for Access to Government Service.* Any denial of application or request for access to government service shall be fully explained in writing, stating the name of the person making the denial and the grounds upon which such denial is based. Any denial of application or request is deemed to have been made with the permission or clearance from the highest authority having jurisdiction over the government office or agency concerned;
- viii. *Limitation of Signatories.* The number of signatories in any document shall be limited to a maximum of three (3) signatures which shall represent officers directly supervising the office or agency concerned; *Provided, That* in case the authorized signatory is on official business or official leave, an alternate shall be designated as signatory. Electronic signatures or pre-signed license, clearance,

permit, certification or authorization with adequate security and control mechanism may be used;

- ix. *Electronic Versions of Licenses, Clearances, Permits, Certifications or Authorizations.* All Bangsamoro Government agencies are covered under Section 3 of R.A. No. 11032, and shall, when applicable, develop electronic versions of licenses, clearances, permits, certifications or authorizations with the same level of authority as that of the signed hard copy which may be printed by the applicants or requesting parties in the convenience of their offices;
 - x. *Adoption of Working Schedules to Serve Applicants or Requesting Parties.* Heads of agencies which render government services shall adopt appropriate working schedules to ensure that all applicants or requesting parties who are within their premises prior to the end of official working hours are attended to and served even during lunch break and after regular working hours;
 - xi. *Identification Card.* All employees transacting with the public shall be provided with an official identification card which shall be visibly worn during office hours. The identification cards must include the full name of the employee, the employee's position, title, name of office, and the office seal or logo. The information on the identification card must be readable, such that the officials and employees concerned can be easily identified by the applicant or requesting party. For ministries, offices and agencies where an identification card is not used, the officers and employees must wear name plates or other means of identification; and
 - xii. *Establishment of Public Assistance/Complaints Desk.* Each agency shall establish a public assistance/complaints desk in all their offices.
- (c) *Submit Annual Performance Reports.* All heads or other responsible officers of ministries, offices and agencies of the Bangsamoro Government and of government-owned or -controlled corporations shall, within 45 working days from the end of the year, render a performance report of the agency or corporation concerned. Such report shall be open and available to the public within regular office hours;
 - (d) *Process Documents and Papers Expeditiously.* All official papers and documents must be processed and completed within a reasonable time from the preparation thereof and must contain, as far as practicable, not more than three (3) signatories therein. In the absence of duly authorized signatories, the official next-in-rank or officer in charge shall sign for and in their behalf;
 - (e) *Act Immediately on the Public's Personal Transactions.* All public officials and employees must attend to anyone who wants to avail himself/herself of the services of their agencies and must, at all times, act promptly and expeditiously; and
 - (f) *Make Documents Accessible to the Public.* All public documents must be made accessible to, and readily available for inspection, by the public within reasonable

working hours, in accordance with existing rules and regulations or those to be enacted by the Parliament.

Article 172. *System of Incentives and Rewards.* A system of annual incentives and rewards is hereby established in order to motivate and inspire public servants to uphold the highest standards of ethics. For this purpose, a Bangsamoro Committee on Awards to Outstanding Public Officials and Employees is hereby created composed of the following: Senior Deputy Chief Minister as Chair, Bangsamoro *Mufti*, representative holding a position of responsibility from an accredited non-government organization, and two representatives from organizations of Bangsamoro Government employees one each from the second and first level positions to be appointed by the Chief Minister from the nominees of their respective Boards.

It shall be the task of this Committee to conduct a periodic, continuing review of the performance of public officials and employees, in all the ministries, offices, and agencies of the Bangsamoro Government, as well as the Parliament, and establish a system of annual incentives and rewards to the end that due recognition is given to public officials and employees of outstanding merit on the basis of the standards set forth in this Code.

The system of annual incentives and awards shall cover all elective officials and appointive officials and employees holding permanent, temporary, coterminous, contractual, and casual status of employment in the Bangsamoro Government.

The conferment of awards shall take into account, among other things, the following: the years of service and the quality and consistency of performance, the obscurity of the position, the level of salary, the unique and exemplary quality of a certain achievement, and the risks or temptations inherent in the work. Incentives and rewards to public officials and employees of the year to be announced in public ceremonies honoring them may take the form of citations and incentives. The Committee on Awards shall adopt its own rules to govern the conduct of its activities.

Article 173. *Performance-Based Bonus.* The Bangsamoro Government may adopt the provision of Performance Based Bonus (PBB) in BARMM similar to that implemented by the National Government. The purpose of said program is to give recognition to the top performing agencies and employees for exemplary performance in the discharge of their mandated functions and responsibilities.

The Bangsamoro Government through the MFBM may formulate its own guidelines to be approved by the Chief Minister.

Article 174. *Prohibited Acts and Transactions.* In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

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

(b) *Outside Employment and Other Activities Related Thereto.* Public officials and employees during their incumbency shall not:

- (1) Own, control, manage or accept employment as officer, employee, consultant, counsel, broker, agent, trustee or nominee in any private enterprise regulated, supervised or licensed by their office unless expressly allowed by law;
- (2) Engage in the private practice of their profession unless authorized by the Constitution or law, provided, that such practice will not conflict or tend to conflict with their official functions; or
- (3) Recommend any person to any position in a private enterprise which has a regular or pending official transaction with their office.

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

(c) *Disclosure and/or Misuse of Confidential Information.* Public officials and employees shall not use or divulge, confidential or classified information officially known to them by reason of their office and not made available to the public, either:

- (1) To further their private interests, or give undue advantage to anyone; or
- (2) To prejudice the public interest.

(d) *Solicitation or Acceptance of Gifts.* Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.

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

Article 175. *Statements and Disclosure.* Public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.

(A) *Statements of Assets and Liabilities and Financial Disclosure.* All public officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statement of Assets, Liabilities and Net Worth (SALN) and a Disclosure of Business Interests and

Financial Connections and those of their spouses and unmarried children under 18 years of age living in their households.

The two documents shall contain information on the following:

- (a) Real property, its improvements, acquisition costs, assessed value and current fair market value;
- (b) Personal property and acquisition cost;
- (c) All other assets such as investments, cash on hand or in banks, stocks, bonds, and the like;
- (d) Liabilities; and
- (e) All business interests and financial connections.

The documents must be filed:

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

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

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

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

- (1) Chief Minister, Deputy Chief Ministers, Ministers and members of Parliament, with the Deputy Ombudsman for Mindanao;
- (2) *Shari'ah* Justices, with the Clerk of Court of the Supreme Court; *Shari'ah* Judges, with the Court Administrator;
- (3) Regional and local officials and employees, with the Deputy Ombudsman for Mindanao; and

(4) All other public officials and employees, defined in R.A. No. 3019, as amended, with the Commission.

(B) *Identification and Disclosure of Relatives.* It shall be the duty of every public official or employee to identify and disclose, to the best of his knowledge and information, his relatives in the Bangsamoro Government and National Government in the form, manner and frequency prescribed by the Commission.

(C) *Accessibility of Documents:*

(1) Any and all statements filed under this Code, shall be made available for inspection at reasonable hours;

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

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

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

(5) The pertinent provisions of E.O. No. 2 series of 2016 (Freedom of Information) shall be observed.

(D) *Prohibited Acts.* It shall be unlawful for any person to obtain or use any statement filed under this article for:

(1) Any purpose contrary to morals or public policy; or

(2) Any commercial purpose other than by news and communications media for dissemination to the general public.

Article 176. Divestment. A public official or employee shall avoid conflicts of interest at all times. When a conflict of interest arises, he/she shall resign from his/her position in any private business enterprise within 30 days from his/her assumption of office and/or divest himself/herself of his/her shareholdings or interest within 60 days from such assumption.

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

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

a. Conflict of Interest occurs:

1. When the official or employee is:
 - i. a substantial stockholder; or
 - ii. a member of the Board of Directors; or
 - iii. an officer of the corporation; or
 - iv. an owner or has substantial interest in a business; or
 - v. a partner in a partnership.
 2. The interest of such corporation or business, or his/her rights or duties therein, are opposed to or affected by the faithful performance of official duty.
- b. A substantial stockholder is any person who owns, directly or indirectly, shares of stock sufficient to elect a director of a corporation. This term shall also apply to the parties to a voting trust; and
 - c. A voting trust means an agreement in writing between one or more stockholders of a stock corporation for the purpose of conferring upon a trustee or trustees the right to vote and the other rights pertaining the shares for certain periods and subject to such other conditions provided for in the Corporation Code.

Chapter II PROHIBITIONS

Article 177. *One (1) Year Ban for Losing Candidates.* A person who lost in an election, except barangay election, shall not be eligible for appointment or reemployment to any office in the government or GOCC within one (1) year following such election.

Article 178. *Ipsa Facto Resignation.* A person holding a public appointive office or position, shall be considered *ipso facto* resigned from his/her office upon filing of the certificate of candidacy. He/she must vacate the same at the start of the day of the filing of the certificate of candidacy with the Bangsamoro Electoral Office, even if later on disqualified or has withdrawn the certificate for candidacy. This prohibition extends to private citizens appointed as board members in public offices representing the private sector.

Article 179. *Six (6) Month Ban on Reemployment.* An employee who resigned from the government service during the three (3)-month period before any election to promote the candidacy of another shall not be reemployed during the six (6)-month period following such election.

Article 180. *Political Activity.* No officer or employee in the Bangsamoro Government, shall engage directly or indirectly in any partisan political activity or take part in any election except to vote nor shall he/she use his/her official authority or influence to coerce the political activity of any other person or body. Nothing herein provided shall be understood to prevent any

officer or employee from expressing his/her views on current political problems or issues, or from mentioning the names of candidates for public office whom he/she supports: *Provided*, That public officers and employees holding political offices may take part in political and electoral activities but it shall be unlawful for them to solicit contributions from their subordinates or subject them to any of the acts involving subordinates prohibited in the Bangsamoro Electoral Code.

Article 181. *Additional or Double Compensation.* No elective or appointive public officer or employee shall receive additional or double compensation unless specifically authorized by law nor accept without the consent of the President, any present, emolument, office, or title of any kind from any foreign state.

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

Article 182. *Limitations on Employment of Laborers.* Laborers, whether skilled, semi-skilled or unskilled, shall not be assigned to perform clerical duties.

Article 183. *Prohibitions in Relation to Elections.* Unless the concurrence of the COMELEC or other relevant offices is obtained, when necessary, the following shall be prohibited:

1. Detail or reassignment within three (3) months before any election, as provided in E.O. No. 292;
2. Cases covered by Sec. 261 of B.P. Blg. 881, particularly:
 - a. Appointment of new employees, creation of new positions, promotion, or giving salary increases, in accordance with paragraph (g) thereof for a period of 45 days before a regular election and 30 days before a regular election;
 - b. Transfer of officers and employees in the civil service, in accordance with paragraph (h) thereof during the election period;
 - c. Intervention in any election campaign or engagement in any partisan political activity, in accordance with paragraph (i) thereof during the campaign period;
 - d. Appointment or use of special policemen, special agents, confidential agents or the like, in accordance with paragraph (m) thereof during the campaign period, and on the day before and on election day;
 - e. Use of public funds, money deposited in trust, equipment, facilities owned or controlled by the government for an election campaign, in accordance with paragraph (o) thereof;
 - f. Release, disbursement, or expenditure of public funds, in accordance with paragraph (v) thereof 45 days before a regular election and 30 days before a special election; and

- g. Suspension of elective provincial, city, municipal, or barangay officer, in accordance with paragraph (x) thereof during the election period;

3. Such other relevant cases as are provided in other special and/or regional laws.

Article 184. *Coverage of Nepotism.* The nepotism rule covers all kinds of appointments whether original, promotion, transfer, and reemployment regardless of status, including casual, contractual, and coterminous but are not primarily confidential. This rule shall also apply to designation.

Article 185. *Nepotism.* All appointments in any ministry, instrumentality, or office in BARMM, including government-owned or -controlled corporations, made in favor of a relative of the appointing or recommending authority, or of the head or chief of the bureau or office, or of the persons exercising immediate supervision over him/her, are hereby prohibited.

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

Article 186. *Exemption from the Rules on Nepotism.* The following are exempted from the operation of the rules on nepotism in the BARMM: (a) persons employed in a confidential capacity, (b) teachers, (c) physicians, (d) scientific and technology personnel under R.A. No. 8439, (e) personal security of appointive and elective officials; *Provided, however,* That in each particular instance full report of such appointment shall be made to the CSC for BARMM.

The restriction mentioned in Article 185 shall not be applicable to the case of a member of any family who, after his/her appointment to any position in an office or bureau agency, contracts marriage with someone in the same office or bureau, in which event the employment or retention therein of both husband and wife may be allowed.

Article 187. *Nepotism in Local Government.* In the local government career service, the prohibition extends to the relatives of the appointing or recommending officer/authority within the fourth civil degree of consanguinity or affinity. However, for the non-career service in the local government, the prohibition extends to the third degree either of consanguinity or of affinity of the appointing or recommending officer/authority, or head of office, or of the person exercising immediate supervision over the appointee.

BOOK IV

PROTECTION OF CIVIL SERVICE ELIGIBLES

Chapter I

SECURITY OF TENURE

Article 188. *Protection of the Security of Tenure.* It is hereby declared the policy of the Bangsamoro Government to protect the security of tenure of civil service officers and employees in the various agencies in the Bangsamoro Government and of LGUs, SUCs

expressly authorized by law, including GOCCs with original charters within the jurisdiction of BARMM, without sacrificing the need to promote morale, efficiency in the civil service.

Article 189. *Removal, Suspension or Other Disciplinary Action.* No officer or employee of the civil service shall be removed, suspended, or otherwise subjected to disciplinary action except for cause provided by law.

Article 190. *Notice and Hearing Required.* No officer or employee in the career service shall be removed or suspended or otherwise subjected to disciplinary action, except for a valid cause and after due notice and hearing.

Article 191. *Roster of Bangsamoro Eligibles.* The Bangsamoro Government, through the OCM, shall establish a Roster of Bangsamoro Eligibles which shall be used as reference by the different agencies in case of vacancies of positions. Persons who have been appointed permanently to positions in the career service and who have been separated as a result of reduction in force and/or reorganization shall automatically be entered into the Roster of Bangsamoro Eligibles and shall be prioritized for purposes of re-employment.

Chapter II **RIGHT TO SELF-ORGANIZATION**

Article 192. *General Policy.* The right to self- organization shall not be denied to government employees.

Article 193. *Self-organization.* All Bangsamoro Government employees can form, join or assist employees' organizations of their own choosing for the furtherance and protection of their interests. They can also form, in conjunction with appropriate government authorities, labor-management committees, works councils and other forms of workers' participation schemes to achieve the same objectives.

Article 194. *Disqualified Employee.* High-level employees whose functions are normally considered as policy-making or managerial or whose duties are of a highly confidential nature shall not be eligible to join the organization of rank-and-file Bangsamoro Government employees.

Article 195. *Non-Discrimination.* Bangsamoro Government employees shall not be discriminated against in respect of their employment by reason of their membership in employees' organizations or participation in the normal activities of their organization. Their employment shall not be subject to the condition that they shall not join or shall relinquish their membership in the employees' organizations.

Article 196. *Non-Interference.* Bangsamoro Government authorities shall not interfere in the establishment, functioning or administration of Bangsamoro Government employees' organizations through acts designed to place such organizations under the control of Bangsamoro Government authority.

Article 197. *Applicability of Laws.* The existing laws, rules, and regulations on the right to self-organization shall apply.

Chapter III

HOURS OF WORK, OVERTIME, UNDERTIME

Article 198. *Working Hours.* All Bangsamoro Government officials and employees are required to render eight (8) working hours a day for five (5) working days a week or a total of 40 hours a week, exclusive of time for lunch.

The normal working hours of Bangsamoro Government officials and employees shall be from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., except on Fridays where the office hours for Muslim employees may be from 7:00 a.m. to 10:00 a.m. and 2:00 p.m. to 6:00 p.m. During the month of Ramadhan, the latter may likewise report from 7:30 a.m. to 3:30 p.m. without noon break and the difference of two (2) hours is not counted as undertime.

In the exigency of service, and as approved by the head of agency, working hours may also be altered to include Saturdays and Sundays; *Provided*, That employees who work on such days may choose a compensatory day-off during weekdays; *Provided, further*, That Saturdays and Sundays are regular workdays and not cases of overtime.

Article 199. *Work Schedule Shifting.* In the exigency of the service, or when necessary by the nature of the work of a particular ministry, office or agency and upon representations with the Commission by the Ministry heads concerned, requests for the rescheduling or shifting of work schedule for a number of working days lesser than the required five (5) days may be allowed provided that Bangsamoro Government officials and employees render a total of 40 hours a week and provided further that the public is assured of core working hours of eight in the morning to five in the afternoon continuously for the duration of the entire work week.

Article 200. *Flexible Working Hours.* In the event Bangsamoro officials and employees elect to adopt flexi-time in reporting for work, in no case shall the working hours be reduced.

The flexible working hours shall not start earlier than 7:00 a.m. and end later than 7:00 p.m. Hence the public is still assured of the core working hours of 8:00 a.m. to 5:00 p.m. The public must be assured of continuous service during the period of 12:00 p.m. to 1:00 p.m.

Heads of agencies shall have the authority to approve office working hours, provided that in such working hours officials and employees shall render not less than eight (8) hours a day for five (5) days a week for a total of 40 hours. The flexible working hours adopted by the official or employee shall thereafter be his/her regular working hours which cannot be occasionally or periodically changed at his/her convenience.

A report of flexible working hours adopted by the agency shall be submitted to the CSC for BARMM within 30 days of its implementation.

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

Article 201. *Record of Attendance.* All BARMM officers and employees shall record their daily attendance on the proper form or, whenever possible, have them registered on the bundy clock or Biometric Attendance Monitoring System (BAMS). Any other means of recording attendance may be allowed provided their respective names and signatures as well as the time of their actual arrival to and departure from office are indicated, subject to verification. This shall include those serving in the field, that is, outside the office proper, and those on the water or service rendered on board a vessel as the usual place of work. The Record of Attendance which shall be kept in a conspicuous place, shall be in the custody of a responsible officer who shall monitor the arrival, departure of officials and employees.

All other BARMM officials who are not required to use the bundy clock or BAMS shall hereinafter record their attendance in the manner prescribed by the agency and their absences shall be covered with the requisite leave of absence.

Article 202. *Overtime Services.* When the interest of public service so requires, the daily hours of work for BARMM officers and employees may be extended by the head of agency concerned, which extension shall be fixed in accordance with the nature of work. They may also be requested to render overtime work which shall be paid except when rendered in the exigency of the service or when service requires them to work urgently, subject to existing regulations.

Article 203. *Non-Offsetting.* Off-setting of tardiness or absences by working the equivalent number of minutes or hours by which a BARMM officer or employee has been tardy beyond the regular or approved working hours of the employees concerned shall not be allowed.

Article 204. *Undertime.* Any BARMM employee who incurs undertime regardless of the number of minutes/hours, 10 times a month in a semester for at least two (2) consecutive months during the year shall be subject to administrative sanctions prescribed under CSC MC No.04, s. 1991 (Policy on Absenteeism and Tardiness).

Chapter IV

REHABILITATION PRIVILEGE

Article 205. *Coverage.* All BARMM personnel with permanent, temporary, casual or contractual appointments, including those with fixed terms of office, may avail themselves of the Rehabilitation Privilege during their employment. Consultants and those hired under contract of service or job order cannot avail themselves of the privilege because they are not government employees.

Article 206. *Availment.* BARMM officials and employees may be entitled to the Rehabilitation Privilege for a maximum period of six (6) months for wounds and/or injuries sustained while in the performance of official duties. The duration, frequency and terms of availing of the privilege shall be based on the recommendation of medical authority. Hence, availing of the privilege may be for less than six (6) months, or may be on half-time basis or an

intermittent schedule as determined by medical authorities provided that the cumulative total period of availing of the privilege will not exceed six (6) months.

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

Article 207. *Performance of Duty.* For availing oneself of the Rehabilitation Privilege, performance of duty means situation wherein the official or employee was already at work. The same privilege may be extended to officials and employees in situations where the official or employee meets an accident while engaged in activities inherent to the performance of his or her duties, including being on Official Business outside of his or her station, Official Travel, authorized Overtime, Detail Order, and Special Assignment Orders.

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

Agency heads, in the exercise of sound discretion, shall examine and consider the prevailing or circumstantial factors or conditions of the government official or employee who intends to avail himself or herself of the Rehabilitation Privilege.

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

- a. Established intent on the part of the official or employee in going to work from home or going home from work;
- b. The official or employee is in his or her usual route in going to work from home and going home from work;
- c. Reasonable proximity of the accident to the place of work or agency's premises;
and
- d. Wounds or injuries were sustained within reasonable time from leaving his or her home or recorded departure from the place of work.

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

Article 208. *Non-deduction.* Absence from work during the period of Rehabilitation Privilege shall not be deducted from the accumulated sick or vacation leave credits of the official or employee.

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

Article 209. *Benefits.* Bangsamoro officials and employees availing of the Rehabilitation Privilege shall receive their salaries and regular benefits such as Personnel Economic Relief Allowance (PERA), Additional Compensation (AdCom), mid-year bonus, year-end bonus, and cash gift mandated by law.

They are not entitled however to benefits and privileges that are enjoyed based on the actual performance of duties of positions entitled to these benefits such as RATA.

Article 210. *Entitlement to Leave Privileges.* Officers and employees in the civil service shall be entitled to leave of absence, with or without pay, subject to CSC MC No. 41, s. of 1998, as amended by CSC MC No. 15, s. 2020 (Omnibus Rules on Leave) or as may be provided by law and rules and regulations of the Commission.

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

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

Article 212. *Responsibilities of the Agency Head.* The agency head shall determine whether the injuries were incurred while in the performance of duties.

The agency head shall be held responsible and personally liable for any false or fraudulent claims and irregular availing of the privilege.

The agency head, through the agency medical staff and/or the HRMO, should monitor monthly the medical status of the employee undergoing rehabilitation.

Chapter V

PROTECTION DURING GOVERNMENT REORGANIZATION

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

- a. Where there is a significant increase in the number of positions in the new staffing pattern of the agency concerned;
- b. Where an office is abolished and other performing substantially the same functions is created;

- c. Where incumbents are replaced by those less qualified in terms of status of appointment, performance and merit;
- d. Where there is a reclassification of offices in the agency concerned and the reclassified offices perform substantially the same function as the original offices; and
- e. Where the removal violates the order of separation provided in Article 214 hereof.

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

- a. Casual employees with less than five (5) years of government service;
- b. Casual employees with five (5) years or more of government service;
- c. Employees holding temporary appointments; and
- d. Employees holding permanent appointments; *Provided*, That those in the same category as enumerated above, who are least qualified in terms of performance and merit shall be laid off first, length of service notwithstanding.

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

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

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

Article 217. *Creation of Placement Committee.* In order that the best qualified and most deserving persons shall be appointed in any reorganization, there shall be created a Placement Committee in each appointment that shall be given preference for appointment in the judicious selection and placement of human resource. The Committee shall consist of two (2) members appointed by the head of the agency, a representative of the appointing authority, and two (2) members duly elected by the employees holding positions in the first and second levels of the career service; *Provided*, That if there is a registered employee association with a majority of the employees as members, that employee association shall also have a representative in the Committee; *Provided, further*, That immediately upon approval of the staffing pattern of the

agency concerned, such staffing pattern shall be made known to all officers and employees of the agency who shall be invited to apply for any of the positions authorized therein. Said application shall be considered by the Committee in the placement and selection of human resource.

Article 218. *List of Human Resource to be Made Known.* A list of the human resource appointed to the authorized positions in the approved staffing pattern shall be made known to all the officers and employees of the agency. Any of such officers and employees aggrieved by the appointments made may file an appeal with the appointing authority who shall make a decision within 30 days from the filing thereof.

Article 219. *Appeal to the CSC for BARMM.* An officer or employee who is still not satisfied with the decision of the appointing authority may further appeal within 10 days from the receipt thereof to the Commission which shall render a decision thereon within 30 days and whose decision shall be final and executor.

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

BOOK V PROCEDURE ON DISCIPLINARY ACTIONS

Chapter I PRELIMINARIES

Article 221. *Coverage.* The provisions of this Book shall apply to disciplinary administrative cases or matters brought before the OCM, the different agencies of the Bangsamoro Government, including its component LGUs and GOCCs with original charters in the Bangsamoro except as may be provided by law enacted by the Bangsamoro Parliament or the Congress. Notwithstanding the foregoing, complaints against officials who are coterminous appointees of the Chief Minister or against elective officials are not covered by the provisions of this Book.

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

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

Chapter II

JURISDICTION AND VENUE OF ACTIONS

Article 223. *Jurisdiction of the OCM.* The OCM shall have primary jurisdiction over administrative cases or matters involving positions with SG 25 and above filed or brought before it by any person.

The Bangsamoro Attorney-General's Office (BAGO) shall conduct formal investigation and submit a Formal Investigation Report to the Chief Minister for appropriate action. In the case of the Commissioners of the Bangsamoro Human Rights Commission, the OCM shall forward filed cases to the Office of the President.

Article 224. *Jurisdiction of the Different Agencies and GOCCs.* All agencies and GOCCs with original charter shall have jurisdiction over administrative cases or matters filed or brought before it by any person against any of their respective officials or employees, except those officials mentioned in the immediately preceding section.

Article 225. *Jurisdiction of the LGUs.* The jurisdiction of the LGUs shall be in accordance with the provisions of a law on local governments enacted by the Bangsamoro Parliament.

Article 226. *Referral of Cases to Proper Disciplining Authority.* Cases wrongly filed shall be referred by the concerned agency to the proper disciplining authority as specified in this Book. Referral to the OCM through the BAGO, may also be made when in the honest, fair, and reasonable judgment of the concerned agency, after proper evaluation, the case could be best heard and tried by the former. A statement under oath to this effect shall be made by the referring official or disciplining authority. A proper endorsement or referral, together with the complaint and its attachments, shall be transmitted to the OCM.

Chapter III

COMPLAINT

Article 227. *Complaint Defined; Who May Initiate.* A complaint is a means of bringing to the attention of the proper disciplining authority the misfeasance, malfeasance, or nonfeasance of the person complained of. It may be initiated by the disciplining authority *motu proprio* or upon a valid complaint filed by any person.

Article 228. *Requisites of a Valid Complaint.* A complaint to be valid must be in writing, written in a clear and concise language as to properly apprise the person/s complained of, and must be verified.

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

The complaint shall contain the following:

- a. Full name and address of the complainant;
- b. Full name and address of the person complained of, his/her position and office;
- c. A narration of the relevant and material facts which shows the acts or omissions complained of; and
- d. A certification of non-forum shopping.

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

Article 229. *Anonymous Complaint.* No anonymous complaint shall be entertained unless the act complained of is of public knowledge or the allegations can be verified or supported by documentary or direct evidence.

Article 230. *Obligation in Case of Anonymous Complaint.* The proper disciplining authority must faithfully evaluate and validate the trustworthiness of the allegations and the genuineness of the documentary evidence and act on it accordingly. If he/she is convinced that the anonymous complaint is supported by obvious truth or such documentary or other evidence showing the probability that the offense was indeed committed, he/she shall require the person complained of to file his/her counter-affidavit under oath within five (5) days from receipt of order.

Article 231. *Effects of the Pendency of an Administrative or Criminal Case.* Except as otherwise provided by law, pendency of an administrative or criminal case shall not disqualify the respondent from promotion and other human resource actions or from claiming maternity/paternity benefits.

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

The release of the retirement benefits of a person with pending case shall be governed by R.A. No. 10154 and its implementing rules.

Article 232. *Withdrawal of the Complaint.* The withdrawal of the complaint does not result in its outright dismissal nor discharge the person complained of from any administrative liability. Where there is obvious truth or merit to the allegation in the complaint or where there is documentary evidence that would tend to prove the guilt of the person/s complained of, the same should be given due course.

Article 233. *Consent to Electronic Service.* The parties may consent to electronic modes of service of motions, pleadings, resolutions, and orders. In such case, the parties shall provide their e-mail address to which service may be effected.

Article 234. *Action on the Complaint.* Upon receipt of a complaint, the disciplining authority shall evaluate its compliance with the form and substance prescribed under Article 228 of this Book. If in the affirmative, he/she shall require the person complained of to file his/her counter-affidavit, together with the testimony of his/her witnesses and such other documentary evidence, if any, within a period of five (5) days from receipt.

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

Chapter IV PRELIMINARY INVESTIGATION

Article 235. *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.

Article 236. *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.

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.

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

Article 237. *Duration of the Preliminary Investigation.* A preliminary investigation shall commence within a non-extendible period of five (5) of days upon receipt of the complaint by the disciplining authority and shall be terminated within 20 days thereafter. However, the disciplining authority may extend such periods in meritorious cases.

Article 238. *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/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/her 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.

Chapter V FORMAL CHARGE

Article 239. *Issuance of Formal Charge.* Within 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 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 240. *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 20 days;
- d) Second motion for extension of time to file verified answer;
- e) Second motion for reconsideration; and
- 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.

Chapter VI ANSWER

Article 241. *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 statements covering testimonies of witnesses, if there be any, in support of one's case.

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

Article 242. *Period to File.* The respondent shall have 10 days from receipt of the Formal Charge within which to file his/her answer. Failure to do so shall be considered a waiver on his/her part and the case shall be decided on the basis of the records available within a period of 15 days.

Chapter VII PREVENTIVE SUSPENSION

Article 243. *Nature and Purpose.* Preventive Suspension is not a penalty. It is merely a precautionary measure allowed by law in order to temporarily remove the respondent from the scene of the alleged misfeasance/malfeasance/nonfeasance while the case is pending. The purpose of which is to prevent him/her from using his/her office or position in exerting undue influence or pressure on the witnesses and/or tampering with evidence.

Article 244. *Grounds for Issuance.* The proper disciplining authority may, *motu proprio* or upon proper motion by the complainant, place the respondent under preventive suspension upon issuance of the formal charge or immediately thereafter if the charge involves:

- a. Dishonesty;
- b. Oppression;
- c. Grave misconduct;
- d. Gross neglect of duty;
- e. An administrative offense committed on its second or third time and the penalty thereof is dismissal from the service; or
- f. Other offenses punishable by dismissal from the service.

In order for a preventive suspension to be valid, there must be a showing that he/she is in a position to exert undue influence or pressure on the witnesses and/or to tamper with evidence.

Article 245. *Manner of Issuance.* A preventive suspension may be effected by issuance of an order by the proper disciplining authority specifying the ground/s therefor, the evidence against respondent, and a directive to immediately cease and desist from performing his/her official functions as well as from entering the premises of his/her office pending investigation of his/her case. The complainant and other concerned persons or offices shall be furnished copy of the order of preventive suspension.

Article 246. *Duration.* When properly issued, preventive suspension shall commence from the time the order was received by the respondent and shall last upon the lapse of 90 days

or after the resolution of his/her case, whichever comes earlier. In the case of employees or officials of component LGUs of the BARM, the period of preventive suspension shall be up to 60 days only. It is understood that the periods mentioned are only the maximum periods within which to place the respondent under preventive suspension. It does not preclude the proper disciplining authority to place him/her under preventive suspension for a lesser period, so long as it is made in good faith and taking into consideration the nature or gravity of the offense charged.

Article 247. *Effect of the Lapse of the Period.* If the disciplining authority failed to resolve or decide the case after the lapse of the period mentioned above, the respondent shall be automatically reinstated in the service, unless the delay is due to the fault, negligence, or manipulations of the respondent, in which case, the period of delay shall not be included in the counting of the preventive suspension.

Article 248. *Effect of Authorized Leave in Case of Preventive Suspension.* Should the respondent be on authorized leave, the preventive suspension shall be deferred or interrupted until such time that said leave has been fully exhausted.

Article 249. *Number of Preventive Suspension Allowed.* No further preventive suspension arising out of the same charge/s is allowed even if it is merely for the purpose of exhausting the maximum period in a case where lesser period was effected. If the respondent is already placed under preventive suspension, the duration of the second preventive suspension arising out of a different charge/s shall simultaneously run with the first without prejudice to the service of the remaining period of the second.

Article 250. *Alternative to Preventive Suspension.* The proper disciplining authority has the option to reassign the respondent for the same period to another agency as the case may be, if he/she is convinced that the respondent cannot exert undue influence or pressure on the witnesses and/or tamper with evidence to his/her advantage.

Article 251. *Remedies from the Order of Preventive Suspension.* The respondent may, within 15 days from receipt of the preventive suspension order, appeal the same directly to the Commission. Pending appeal, the order shall be executory and no motion for reconsideration is allowed to be entertained by the issuing Ministry.

Article 252. *Void on its Face Order.* Any of the following circumstances shall render the order of preventive suspension void on its face:

- a. The order was issued by one who is not authorized by law;
- b. The requirements under Article 228 are not present, subject to the exceptions in Article 229 of this Code;
- c. The order was issued without a formal charge or the same is defective; and
- d. The period of preventive suspension as imposed has exceeded the prescribed periods.

Article 253. *Payment of Back Wages and Reinstatement in case of a Void on its Face Order.* A declaration by the higher authority of the order of preventive suspension as void on its face shall entitle the respondent to immediate reinstatement and payment of back wages corresponding to the period of the illegal preventive suspension without awaiting the outcome of the main case.

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

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

Chapter VIII FORMAL INVESTIGATION

Article 254. *Instances Required.* A formal investigation shall be conducted where the merits of the case cannot be decided judiciously without conducting such investigation or when the respondent elects to have one.

Article 255. *When to be Conducted.* The investigation shall be held not earlier than five (5) days nor later than 10 days from receipt of the respondent's answer or upon the expiration of the period to answer. Said investigation shall be finished within 30 days from the issuance of the formal charge/notice of charge unless the period is extended by the disciplining authority or its authorized representative, or heads of agencies or the Commission in meritorious cases.

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

Article 256. *How Conducted.* The formal investigation shall commence by conducting a pre-hearing conference for the parties to appear, consider and agree on the following matters, to wit:

- a. Stipulation of facts;
- b. Simplification of issues;
- c. Identification and marking of evidence;
- d. Waiver of objections to admissibility of evidence;
- e. Limitation on the names and number of witnesses;
- f. Hearing dates; and

- g. Such other matters as may aid in the speedy and just resolution of the case.

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

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

Article 257. *Continuous Hearing.* Hearings shall be conducted on the hearing dates agreed upon during the pre-hearing conference which shall not be more than five (5) hearing days. No postponement shall be allowed except in highly exceptional circumstances and upon a proper written motion filed by any party at least three (3) days before the scheduled hearing to be postponed. The parties are required to be present during the hearings and their absence shall produce the same result as in the case of absence of any party during pre-hearing conference. At any time before the resolution of the case, the parties may agree in writing to submit the case for resolution by the disciplining authority.

Article 258. *Hearings, How Conducted.* Hearings before any of the proper disciplining authorities under this Book shall be conducted primarily for the purpose of securing a just, speedy, and fair resolution of administrative cases brought before it. They should not be conducted in such manner as to put excessive burden on the parties thereby discouraging them to resort to democratic processes. Taking these into account, hearings shall not be conducted in a strictly adversarial or trial-type proceedings. It is sufficient for the parties to be given ample opportunities to be heard and present their witnesses and other evidence for the consideration of the hearing officer/s.

Article 259. *Order of Hearing:*

- a. The prosecution shall present its case;
- b. The respondent shall present his/her defense; and
- c. Both parties may submit their rebuttal and surrebuttal, respectively.

Article 260. *Videoconference Hearing.* Upon joint motion of the parties or upon orders of the disciplining authority videoconferencing hearings shall be allowed in lieu of the face to face hearings.

Article 261. *Objections, How Made.* All objections raised during the hearing shall be resolved by the hearing officer. However, objections that cannot be ruled upon by the hearing officer shall be noted with the information that the same shall be included in the memorandum of the concerned party to be ruled upon by the proper disciplining authority.

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

Article 262. *Marking of Evidence or Exhibits.* All documentary evidence or exhibits for the complainant shall be properly marked by letters (A, B, C, etc.) with sub-markings in case of single document with several pages (A-1, A-2, A-3, etc.). If presented by the respondent, it shall be marked by numbers (1, 2, 3) with sub-markings in case of single but having several pages (1-A, 1-B, 1-C). These shall form part of the complete records of the case.

Article 263. *Issuance of Subpoena.* The disciplining authority or his/her authorized hearing officer has the power to issue subpoena *ad testificandum* to compel attendance of witnesses or subpoena *duces tecum* for the production of other evidence. The requesting party shall make the proper request for the issuance thereof at least five (5) days before the scheduled hearing, copy furnished the requested party or witness specifying the evidence to be produced in case of the latter subpoena.

Article 264. *Record of the Proceeding.* All the proceedings during the formal investigation must be duly recorded. This could be taken in shorthand, stenotype or other means of recognized recording.

Article 265. *Proof of Service.* All pleadings and litigated motions allowed under this Book filed by the parties shall be copy furnished the other party with proof of service in the form of an affidavit. Those filed through registered mail or private courier service shall be deemed filed on the date stamped on the envelope or courier pack which shall be attached to the records of the case. In case of personal service, it shall be evidenced by the date stamped on the envelope or the document itself duly dated and signed by the receiving party.

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

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

Article 266. *Formal Investigation Report.* The hearing officer shall submit a formal investigation report to the proper disciplining authority within 10 days after the conclusion of the formal investigation. Said report shall contain the following:

- a. a narration of the material facts duly established during the investigation;
- b. the findings and the evidence supporting said findings;
- c. his/her recommendation for appropriate action/s; and
- d. a draft decision containing the said recommendation.

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

Chapter IX DECISION

Article 267. *Period to Render Decision.* Within 15 days from receipt, the proper disciplining authority shall evaluate the Formal Investigation Report and render his/her decision. He/she may either affirm or disregard the hearing officer's recommendation. In all cases, the parties shall be furnished copy of the decision or recommendation, as the case may be, within 10 days.

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

Article 268. *Finality of Decisions.* Decisions shall become final after the lapse of 15 days from receipt unless a motion for reconsideration is seasonably filed in accordance with the succeeding Chapter. The same period applies in case of decision dismissing the case.

Chapter X MOTION FOR RECONSIDERATION

Article 269. *Who May File.* The party adversely affected by the decision may file a motion for reconsideration before the office of the disciplining authority who rendered the decision within 15 days from receipt. The phrase "adversely affected" shall, for purposes of this Book, include the private complainant in case of a decision dismissing a case whether or not the case is personal in nature.

Article 270. *Grounds.* A motion for reconsideration may be filed based on any of the following grounds only, to wit:

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

Article 271. *Effect of Filing.* A motion for reconsideration seasonably filed shall stay the execution of the decision sought to be reconsidered and shall be disposed of by the disciplining authority within 30 days. Otherwise, the same shall be deemed denied. Only one motion is allowed. Any succeeding motion shall not affect the running of the reglementary period to appeal.

Chapter XI

APPEAL

Article 272. *Finality of Decisions.* A decision rendered by the disciplining authority or the CSC for BARMM whereby a penalty of reprimand, or suspension for not more than 30 days or a fine in an amount not exceeding 30 days' salary is imposed, shall not be appealable. It shall be final and executory unless a motion for reconsideration is seasonably filed. However, the respondent may file an appeal or petition for review when the issue raised is violation of due process.

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

Article 273. *When Appeal is Available.* Decisions involving a penalty of suspension for more than 30 days or a fine in an amount exceeding 30 days' salary may be appealed by the respondent within 15 days from receipt of the assailed decision.

Article 274. *Executory Judgements.* Decisions shall be executory pending appeal unless a Temporary Restraining Order (TRO) is issued by the proper judicial authority. No motion for execution pending appeal shall be necessary.

Article 275. *Filing of Appeal.* Subject to the provisions of Article 272, decisions rendered by the Chief Minister, head of agency, or GOCC in the BARMM shall be appealable to the Commission.

Article 276. *Appeal, When Perfected.* A party desiring to appeal a decision shall file a Memorandum with the appellate authority, copy furnished the disciplining authority, containing the following:

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

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

Article 277. *Transmittal of the Records.* Upon receipt of a copy of the Memorandum furnished him/her by the appellant, the disciplining authority shall transmit the complete records of the case together with its comment to the appellate authority within 10 days. Said records must be systematically arranged, paged and securely bound to prevent loss.

Chapter XII

ADMINISTRATIVE OFFENSES AND PENALTIES

Article 278. *Classification of Offenses.* Administrative offenses are classified into grave offenses, less grave offenses, or light offenses, depending on the gravity or depravity and effects on the government service.

Article 279. *Grave Offenses.* The following are the grave offenses which are punishable by dismissal:

1. Serious dishonesty;
2. Gross neglect of duty;
3. Grave misconduct;
4. Conviction of a crime involving moral turpitude;
5. Falsification of official document;
6. Physical or mental disorder or disability due to immoral or vicious habits;
7. Receiving for personal use of a fee, gift, or other valuable thing in the course of official duties or in connection therewith when such fee, gift, or valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;
8. Contracting loans of money or other property from persons with whom the office or employee has business relations;
9. Soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value in the course of one's official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of one's office. The propriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature;
10. Nepotism; and

11. Disloyalty to the Republic of the Philippines, including the BARMM; and to the Filipino people, including the Bangsamoro people.

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

1. Less serious dishonesty;
2. Oppression;
3. Disgraceful and immoral conduct;
4. Inefficiency and incompetence in the performance of official duties. However, the guilty person may instead be punished by demotion in which case he/she shall suffer diminution in salary corresponding to the next lower in degree with the same salary step;
5. Habitual absenteeism;
6. Habitual tardiness causing prejudice to the operations of the agency;
7. Loafing from duty during regular office hours;
8. Refusal to perform official duty;
9. Gross insubordination;
10. Conduct prejudicial to the best interest of the service;
11. Directly or indirectly having financial and material interest in any transaction requiring the approval of one's office. Financial and material interest is defined as pecuniary or proprietary interest to which a person will gain or lose something;
12. Owning, controlling, managing or accepting employment as officer, employee, consultant, counsel, broker, agent, trustee, or nominee in any private enterprise regulated, supervised or licensed by one's office, unless expressly allowed by law;
13. Disclosing or misusing confidential or classified information officially known by reason of one's office and not made available to the public, to further his/her private interests or give undue advantage to anyone, to the prejudice of the public interest;
14. Obtaining or using any statement filed under the R.A. No. 6713 for any purpose contrary to morals or public policy or any commercial purpose other than by news and communications media for dissemination to the general public; and

15. Recommending any person to any position in a private enterprise which has a regular or pending official transaction with one's office, unless such recommendation or referral is mandated by law or international agreements, commitment and obligation; or as part of the function of one's office.

Article 280. *Less Grave Offenses.* The following less grave offenses are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense:

1. Simple neglect of duty;
2. Simple misconduct;
3. Discourtesy in the course of official duty;
4. Violation of existing civil service law or rules of serious nature;
5. Insubordination;
6. Habitual drunkenness;
7. Unfair discrimination in rendering public service due to party affiliation or preference;
8. Failure to file sworn SALN, and disclosure of business interest and financial connections including those of one's spouse and unmarried children under 18 years of age living in one's household;
9. Failure to resign from one's position within 30 days, or to divest oneself of one's shareholdings or interest within 60 days, in the private business enterprise from assumption of public office when there is conflict of interest. If such conflict arises only while one is already in the service, the counting of the periods mentioned shall commence from the moment the conflict arises or becomes known or should have known to the concerned employee or official; and
10. Engaging directly or indirectly in partisan political activities by one holding non-political office.

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

Article 281. *Light Offenses.* The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to 30 days for the second offense; and dismissal from the service for the third offense:

1. Simple discourtesy in the course of official duty;

2. Improper or unauthorized solicitation of contributions from subordinate employees and in the case of teachers or school officials from school children;
3. Violation of reasonable office rules and regulations;
4. Habitual tardiness;
5. Gambling prohibited by law;
6. Refusal to render overtime service;
7. Disgraceful, immoral or dishonest conduct prior to entering the service;
8. Borrowing money by superior officers from subordinates;
9. Willful failure to pay just debts or to pay taxes due the government. Just debts shall be understood to be limited to claims adjudicated by a court of law, or the existence of which are admitted by the debtor;
10. Lobbying for personal interest or gain in legislative halls and offices without authority;
11. Promoting the sale of tickets in behalf of private enterprises. However, if the tickets are intended for charitable or public welfare purposes, the same may be allowed provided there is prior authority;
12. Failure to act promptly on letters and request within fifteen (15) working days from receipt in accordance with Section 3, Rule VI of the Rules Implementing R.A. No. 6713;
13. Failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof in accordance with Section 4, Rule VI of the above-mentioned implementing rules;
14. Failure to attend to anyone who wants to avail himself/herself of the services of the office, or act promptly and expeditiously on public transactions;
15. Unauthorized private practice of one's profession; and
16. Pursuit of private business or vocation without the permission required by civil service rules and regulations.

Article 282. *Other Specific Offenses.* R.A. No. 9485 provides for the following:

- I. Grave Offense: Fixing and/or collusion with fixers in consideration of economic and/or other gain or advantage shall be penalized by dismissal and perpetual disqualification from public service;

II. Light Offenses: the following are light offenses:

- a. Refusal to accept application and/or request within the prescribed period or any document being submitted by a client;
- b. Failure to act on an application and/or request or failure to refer back to the client a request which cannot be acted upon due to lack of requirements within the prescribed period;
- c. Failure to attend to clients who are within the premises of the office or agency concerned prior to the end of official working hours and during lunch break;
- 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: 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 283. *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 is 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 284. *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 suspension from the service to one (1) day salary fine; *Provided,* That in Grave Offenses where the penalty imposed is six (6) months and one (1) day of suspension in view of the presence of mitigating circumstance, the conversion shall only apply to the suspension of six (6) months. Nonetheless, the remaining one (1) day suspension is deemed included therein.

Article 285. *Period to Pay the Fine; Effect of Failure to Pay.* The maximum period to pay the fine shall not exceed one (1) year from the time the decision/resolution becomes final and executory. The conversion of suspension into fine shall render the decision final and executory and, therefore, not subject of appeal or any other similar relief. The failure of the respondent to pay the fine or part thereof shall cause the reversion to the original penalty of suspension. As such, respondent shall serve the original penalty of suspension imposed, irrespective of the amount already paid.

Article 286. *Schedule of Fine in Installment.* Fine may be paid in equal monthly installments subject to the following schedule of payment prescribed below:

- a. Fine equivalent to one (1) month salary shall be paid within two (2) months;
- b. Fine equivalent to two (2) month salary shall be paid within four (4) months;
- c. Fine equivalent to three (3) month salary shall be paid within six (6) months;
- d. Fine equivalent to four (4) month salary shall be paid within eight (8) months;
- e. Fine equivalent to five (5) month salary shall be paid within 10 months; and
- f. Fine equivalent to six (6) month salary shall be paid within 12 months;

Article 287. *Where to be Paid.* The fine shall be paid to the agency imposing the same, computed on the basis of respondent's salary at the time the decision becomes final and executory.

Chapter XIV

GUIDELINES ON THE IMPOSITION OF PENALTIES

Article 288. *Mitigating and Aggravating Circumstances.* Except for offenses punishable by dismissal from the service, the following may be appreciated either as mitigating or aggravating circumstances in the determination of the penalties to be imposed:

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

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

Article 289. *Manner of Imposition.* When applicable, the imposition of the penalty shall be made in accordance with the manner provided herein below:

- a. The minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present;
- b. The medium of the penalty shall be imposed where no mitigating and aggravating circumstances are present; and
- c. The maximum of the penalty shall be imposed where only aggravating and no mitigating circumstances are present.

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

Article 290. *Medium Period of Divisible Penalty.* The following divisible penalties shall have their medium range of penalty, to wit:

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

Article 291. *Penalty for Multiple Offenses.* If the respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the most serious offense and the rest shall be considered as aggravating circumstances. In case the respondent is found guilty of two or more counts of the same offense, the penalty shall be imposed in the maximum regardless of the presence of any mitigating circumstance.

Article 292. *Duration and Effect of Administrative Penalties.* The following shall govern the imposition of administrative penalties:

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

Article 293. *Accessory Penalties.* The following are the accessory penalties in administrative cases:

- a. The penalty of dismissal shall carry with it cancellation of eligibility; perpetual disqualification from holding public office; ban from taking civil service examinations; and forfeiture of retirement benefits. However, terminal leave benefits and personal contributions to GSIS, Retirement and Benefits Administration Service or other equivalent retirement benefits system shall not be subject to forfeiture;
- b. The penalty of demotion shall carry with it disqualification from promotion for one (1) year;
- c. The penalty of suspension shall carry with it disqualification from promotion corresponding to the period of suspension;
- d. The penalty of fine shall carry with it disqualification from promotion for the same period the respondent is fined;
- e. The penalty of reprimand shall not carry with it any accessory penalties; and
- f. A warning or admonition shall not be considered a penalty.

Article 294. *Effects of Exoneration on Certain Penalties.* The decision for exoneration shall have the following consequences:

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

Chapter XV SETTLEMENT IN ADMINISTRATIVE CASES

Article 295. *When Applicable.* In general, administrative cases are not subject to settlement. However, settlement of offenses may be considered in cases of light offenses where

the act is purely personal on the part of the private complainant and the person complained of and there is no apparent injury committed to the government. However, no settlement is allowed for the second offense of the same act committed by the person complained of.

Article 296. *Motu Proprio Determination of Applicability.* Upon filing of the complaint, the disciplining authority or its authorized representative shall determine *motu proprio* whether the offense can be the subject of settlement. If it is in the affirmative, the person complained of shall be required to comment and indicate therein whether he/she is willing to submit the case for settlement. If he/she opts for settlement, the disciplining authority or its authorized representative shall issue an order requiring the appearance of the parties.

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

Article 297. *Compromise Agreement.* If settlement between the parties succeeds, a compromise agreement shall be executed between the parties and attested by the disciplining authority. It shall be binding on the parties and cannot be impugned by them unless the appellate authority, upon proper motion or in a separate action, declared to be invalid as there was duress or fraud in its execution.

Article 298. *Decision Based on a Compromise Agreement.* After the execution of the compromise agreement, the disciplining authority shall render decision on the basis thereof specifying, among others, the terms or conditions agreed upon by the parties as well as the provisional dismissal of the complaint in proper cases. The case may be reopened for investigation in case of non-compliance with any of the agreed terms or conditions by the person complained of.

Article 299. *When No Settlement is Reached.* If efforts to reach a settlement between the parties fail, the disciplining authority or its authorized representative shall issue an order terminating the process and, thereafter, proceed with the investigation of the case.

Chapter XVI

BACK WAGES AND OTHER SIMILAR BENEFITS

Article 300. *Who are Entitled.* An illegally dismissed or suspended official or employee who is exonerated/reprimanded and ordered reinstated in the service, and a respondent placed under preventive suspension, whose order of suspension was declared by the higher authority as invalid, shall be entitled to payment of back wages and other similar benefits.

Article 301. *What are Included.* The following are the benefits included in the scope of back wages:

- a. Salaries from the time the official or employee was illegally dismissed/suspended/preventively suspended up to the time of actual reinstatement;
- b. RATA as provided under existing rules;

- c. Personnel Economic Relief Allowance/Additional Compensation Allowance (PERA/ACA);
- d. Restoration of leave credits;
- e. Loyalty award;
- f. Anniversary bonus;
- g. 13th, 14th month pay and cash gift;
- h. Uniform/ clothing allowance;
- i. Performance-based bonus; and
- j. Other similar benefits given to regular employees by the ministry or office.

Article 302. Guidelines. The following are the guidelines on the payment of back wages and other similar benefits to an illegally dismissed or suspended employee:

- a. The payment of back wages should be computed based on the rate of salary grade/job grade/pay level/pay grade of the respondent at the time of dismissal, suspension, or preventive suspension including the increases in salary, allowances and other emoluments that may occur during the period the employee was prevented from rendering service;
- b. For entitlement to RATA, subject to existing rules and regulations, the requirement of actual performance of duty to an illegally dismissed, suspended, or preventively suspended respondent is dispensed with since it is unreasonable to expect or demand performance of his/her functions when the circumstances prevent one from doing so;
- c. The restoration of leave credits shall be subject to annual deductions of five (5) days forced leave/mandatory leave as required under the CSC MC No. 41, s. 1998, as amended by CSC MC No. 15, s. 2020 (Omnibus Rules on Leave);
- d. For purposes of Loyalty Award given to all officials and employees in the government who have rendered at least 10 years of continuous service and satisfactory service in the government pursuant to CSC MC No. 6, series of 2002, the period under which the respondent was illegally dismissed, suspended, or preventively suspended should not be considered as a gap in the service;
- e. Anniversary Bonus is given during milestone years. A milestone year refers to the 15th anniversary and every fifth (5th) year thereafter. Respondents who have been illegally dismissed, suspended, or preventively suspended during the milestone years shall be entitled to the payment of Anniversary Bonus;

- f. The 13th/14th month pay plus cash gift under existing laws or as may be provided in the GAAB shall be granted to each qualified official or employee which is equivalent to one (1) month basic salary;
- g. Uniform or clothing allowance refers to the amount granted per year to each qualified official or employee as may be provided in the GAAB; and
- h. Bonuses based on performance shall be given on the basis of the rating of the employee prior to one's illegal dismissal or suspension from the service.

Article 303. Allowable Deductions. The payment of back wages shall be subject to withholding tax, GSIS premium, Philippine Health Insurance (PhilHealth) and Home Development Mutual Fund contributions, and other monthly dues/deductions as may be validly imposed by the ministry or office under the law or rules. Payment of 13th/14th month pay, cash gift, anniversary bonus, and other additional bonuses given by the agency which exceeds the ceiling tax exemption shall also be subject to withholding tax.

MISCELLANEOUS PROVISION

Article 304. Alternative work arrangements. In case of pandemics and other cases of similar nature, human-made or natural, upon the declaration of state of calamity and/or issuance of order by the proper authority, the ministries, offices and agencies of the BARMM, upon prior approval of the Chief Minister, may adopt alternative work arrangements including, but not limited to, work-from-home, skeleton workforce, four-day (compressed) workweek, staggered working hours, and other human resource actions.

TRANSITORY PROVISIONS

Article 305. Special Provisions for Mujahideen/Mujahidat. *Mujahideen/Mujahidat* may be hired as temporary appointees for first level positions (SG 9 and below) of the Bangsamoro Government regardless of the presence of applicants who are civil service eligible; *Provided*, That not more than 30% of the total number of entry level plantilla positions of the Bangsamoro Government shall be allocated to them.

The appointments under this provision shall be valid for 12 months, renewable for three (3) times. However, if the appointee has possessed the required eligibility within that period, he/she shall be qualified for permanent appointment to said position subject to performance appraisal and without prejudice to the discretion of the appointing authority.

To ensure smooth integration of the *mujahideen/mujahidat* in the civil service, the DAB shall develop specialized training programs for their training and professional development.

It shall be the responsibility of the Central Committees of the MILF and the MNLF to determine the *mujahideen/mujahidat* in the roster of their organic members who shall be considered for hiring under this provision. The hiring should be within transition period.

Article 306. Provisions for More Stringent Standards. Nothing in this Code shall be construed to derogate from any law, or any regulation prescribed by agency, which provides for more stringent standards for its official and employees.

Article 307. Revised Agency Merit Selection Plan. Agencies shall submit to the CSC for BARMM for approval of the revised Agency MSP in accordance with the 2017 Omnibus Rules on Appointments and Other Human Resource Action within six (6) months from date of the effectivity of said Code. The rules provided herein shall be used as bases in the issuance of appointments and attestation thereof should the agency fail to submit the revised MSP within said period.

Article 308. Mandatory Review Every Five (5) Years. The Bangsamoro Parliament shall undertake a mandatory review of this Code at least once every five (5) years and as often as it may deem necessary, with the primary objective of providing a more responsive, efficient and accountable civil service.

Article 309. Separability Clause. If any part, section or provision of this Code shall be held invalid or unconstitutional, no other part, section or provision thereof shall be affected thereby.

Article 310. Repealing Clause. All laws and issuances pertaining to civil service passed by the Autonomous Region in Muslim Mindanao Regional Legislative Assembly are deemed repealed.

Article 311. Effectivity. This Code shall take effect after 15 days following its complete publication in at least one (1) newspaper of general or regional circulation.

APPROVED.


ATTY. ALI PANGALIAN M. BALINDONG
Speaker

This Act was passed by the Bangsamoro Parliament on February 24, 2021.


PROF. RABY B. ANGKAL
Secretary-General

APPROVED:


AHOD BALAWAG EBRAHIM
Chief Minister

Date: 02-24-2021