



Supreme Court of the Philippines
Manila

OFFICE OF THE COURT ADMINISTRATOR

CIRCULAR NO. 43-91

TO : All Judges and Personnel of the Regional Trial Courts, Shari'a District Courts, Metropolitan Trial Courts, Municipal Trial Courts, Municipal Trial Courts in Cities, Municipal Circuit Trial Courts, and Shari'a Circuit Courts

SUBJECT : Rules Implementing R.A. 7041 Requiring the Regular Publication of Existing Vacant Positions in Government Offices

Quoted hereunder is Memorandum Circular No. 27, s. 1991, of the Civil Service Commission, for the information and guidance of all concerned:

"Pursuant to Section 6 of Republic Act No. 7041, otherwise known as An Act Requiring Regular Publication of Existing Vacant Positions in Government Offices, the Civil Service Commission has promulgated the following rules:

"Section 1. Coverage. This rules and regulations shall apply to all branches, subdivisions, instrumentalities and agencies of the Government, including government-owned or controlled corporations with original charters, state colleges and universities and local government units.

"Section 2. Policy and Objectives. It is hereby declared the policy of the Government to promote efficiency in the allocation of personnel in the civil service, as well as transparency and equal opportunities in the recruitment and hiring of new personnel.

"Section 3. Definition of Terms. As used in this Rules, the following shall mean:

- a. Qualification standards - refers to the minimum requirements of the vacant positions which shall include the education, experience, training, civil service eligibility and physical characteristics and personality traits required by the job. Such qualification standards shall be approved by the Civil Service Commission.

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- b. Bulletin - complete list of all vacant positions in the government together with their corresponding qualification standards issued by the Civil Service Commission every quarter of the year.
- c. Personnel Officer - refers to the highest Administrative Officer/Human Resource Management Officer in the unit, section or department and/or agency or any person acting in such capacity as authorized by the head of office.

"Section 4. Posting of Vacant Positions. All vacant positions in the agency authorized to be filled shall be posted in at least three (3) conspicuous places of the respective offices.

A vacant position is authorized to be filled if funds have been allocated therefore and the appointing authority signifies his intention to fill the same.

"Section 5. Responsibility. The personnel officer of every department or agency shall:

- 1. Identify all the unfilled/vacant positions in their respective agencies;
- 2. Post in three (3) conspicuous places in their respective offices for a period of ten (10) days a complete list of all vacant positions which are authorized to be filled; and
- 3. Submit a copy of the list of the said vacant positions and their corresponding qualification standards to the Civil Service Commission within thirty (30) days upon effectivity of these Rules. Thereafter, submission shall be made not later than 10th day of every month.

Submission of the list shall be done in the following manner:

3.1 To the Civil Service Provincial Office:

3.1.1 Local Government Units

3.2 To the Civil Service Field Office

3.2.1 Department proper and its bureaus and offices; and

3.2.2 Government-owned and controlled corporations [including financial] institutions proper and their branches or regional offices the head of which is not authorized to appoint.

3.3 To the Civil Service Regional Office:

3.3.1 Regional offices of department and regionalized bureaus within its jurisdiction;

3.3.2 Branches or regional offices of Government-Owned or Controlled Corporations where the head is empowered to appoint; and

3.3.3 State Universities and Colleges

The Field and Provincial Offices will then forward the lists that that they received to the Civil Service Regional Office which has jurisdiction over them. The Regional Office will then submit all the lists it received to the Commission Proper.

"Section 6. Exceptions. The following positions are not covered by these Rules:

1. primarily confidential positions;
2. policy-determining;
3. highly technical;
4. positions coterminous with that of the appointing authority;
5. contractual positions or positions whose tenure of office is limited to the duration of a particular project; and

6. other non-career positions identified under Section 9, Subtitle A., Title I, Book V of Executive Order No. 292.

"Section 7. Publication of Vacancies. The Civil Service Commission shall publish a complete list of all existing vacant positions in the government throughout the country every quarter including the qualification standards required for each position.

Any qualified person may apply for any of these vacancies.

"Section 8. Publication Procedure. The Civil Service Commission shall:

1. Consolidate all lists of vacant positions and the corresponding qualifications standards submitted by the agencies;
2. Print in bulletin form the above consolidated lists; and
3. Certify under oath to the completion of the publication of such bulletin which shall be known as the Bulletin of Vacancies in the Civil Service.

Subsequent issues of the Bulletin shall only include positions which:

1. Have been made vacant by the death, resignation, retirement or transfer of the former incumbent; or
2. Have been newly created.

"Section 9. Distribution Procedure. The CSC shall:

1. Distribute and disseminate said Bulletin free of charge to the various personnel offices of the government provided that:
 - 1.1 It shall be made available for inspection by the public; and
 - 1.2 The Bulletin shall be posted by the Administrative/ Personnel Officer of all local government units in at least three (3) public places in their respective municipalities and provinces.

2. Sell the Bulletin to the public at cost thru its regional/provincial/field offices or thru accredited book stores.

"Section 10. Prohibitions. The appointing authority shall not fill, and the Civil Service Commission shall not act on any appointment to fill up a vacant position unless the same has been duly posted by the agency concerned in accordance with Sections 4 and 5 of these Rules and included in the Bulletin of Vacant Positions published by the Civil Service Commission.

"Section 11. Criminal Liability. All responsible officials who violate any provisions of RA 7041 or fail to abide by these rules shall suffer the following penalties:

1. First Offense - public censure without prejudice to the withholding of his salary;
2. Second Offense, etc. - criminal prosecution and upon conviction, suffer the penalty of imprisonment of two (2) years and/or a fine of not less than Five thousand pesos (P5,000.00) nor more than Ten thousand pesos (P10,000.00), at the discretion of the court.

"Section 12. Jurisdiction. The Civil Service Commission shall have original and exclusive jurisdiction to investigate and recommend for prosecution all cases of violation of this Act. Provided, That in case the violation is alleged to have been committed by the Chairman and/or any of the Commissioners of the Civil Service Commission, the Ombudsman shall have original and exclusive jurisdiction over the investigation and prosecution of said alleged violation.

"Section 13. Inapplicability of these Rules. Without prejudice to the provisions of existing laws requiring the posting or disclosure of matters of public interest, the provisions of these Rules shall not apply during any period when there is a ban on hiring.

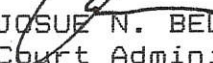
"Section 14. Repeal or Amendment of Rules. All existing rules and regulations inconsistent with these Rules are hereby repealed or amended accordingly.

"Section 15. Effectivity. These Rules shall take effect thirty days following the completion of their publication in the Official Gazette or in a newspaper of general circulation.

(SGD.) PATRICIA A. STO. TOMAS
Chairman"

Please be guided accordingly.

Manila, Philippines, November 11, 1991


JOSUE N. BELLOSILLO
Court Administrator

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