

Republika ng Pilipinas  
PAMBANSANG PANGASIWAAN NG PATUBIG  
(National Irrigation Administration)  
Lungsod ng Quezon

o READ

o FILE

M.C. # 1, s. 1992

MEMORANDUM CIRCULAR

T O : THE DEPUTY ADMINISTRATOR, ASSISTANT ADMINISTRATORS,  
DEPARTMENT MANAGERS, STAFF HEADS, REGIONAL IRRIGATION  
MANAGERS, OPERATION/PROJECT MANAGERS, IRRIGATION  
SUPERINTENDENTS, PROVINCIAL IRRIGATION ENGINEERS AND  
ALL OTHERS CONCERNED  
This Agency

SUBJECT : Civil Service Commission Memorandum Circular No. 41,  
s. 1991 dated November 12, 1991

Quoted hereunder in full is Civil Service Commission  
Memorandum Circular No. 41, s. 1991 for your information and  
guidance.

"Republic of the Philippines  
CIVIL SERVICE COMMISSION  
Quezon City

M.C. 41, s. 1991

MEMORANDUM CIRCULAR

T O : All Heads of Departments, Bureaus and Agencies  
of the National Local Governments Including  
Government-Owned or Controlled Corporations  
with Original Charter

SUBJECT : Jurisdiction of the Civil Service Commission  
Over Decisions, Orders or Actions of the Merit  
Systems Protection Board in Administrative Cases  
and Personnel Actions

The Civil Service Commission, as a central personnel  
agency of the Government, is mandated by law to prescribe,  
amend and enforce rules and regulations to carry out provisions  
of Book V of Executive Order 292, otherwise known as the  
"Administrative Code of 1987".

Due to seemingly conflicting interpretations of Section  
12 (11) and Section 16 (a) (b) of Book V, E.O. 292 relative  
to the jurisdiction of the Commission over the decisions of  
Merit Systems Protection Board in administrative and protest  
cases and personnel actions, the Commission hereby promulgates  
the following guidelines:

A. The following may be subject of APPEAL to the Commission:

I. Administrative Cases

- 1.1 Where the penalty imposed by the MSPB is dismissal/separation from the service;
- 1.2 Where the penalty imposed by the disciplining authority is dismissal/separation from the service.

II. Protest/Personnel Action

- 2.1 Where the position level involved is Division Chief and/or above.

In these instances, appeal is a matter of right on the part of the aggrieved party, however, it must be filed within 15 days from receipt of MSPB decision.

B. The following may be subject of REVIEW by the Commission motu proprio or by way of petition/request for review:

1. Administrative Cases:

Where the penalty imposed by both the disciplining authority and the MSPB is less than or short of dismissal;

2. Protest Cases and Other Personnel Actions:

Where the position level involved is below Division Chief.

The grant of petition for review is discretionary on the part of the Commission. Hence, the petition may be dismissed outright for lack of merit.

Errors of judgment, questions of law and/or grave abuse of discretion may be raised in the petition for review. The petition for review must be filed within 15 days from receipt of MSPB Decisions.

This Memorandum shall take effect fifteen (15) days from publication in a newspaper of leading circulation.

(SGD.) PATRICIA A. STO. TOMAS  
Chairman

November 12, 1991"

Compliance hereof is enjoined.

(SGD.) JOSE B. DEL ROSARIO, JR.  
Administrator

January 6, 1992