

GONZALES, Andrew

Re: Promotion; During the Period of Secondment

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RESOLUTION NO. 002412

Secretary Andrew Gonzales, Department of Education Culture and Sports (DECS), requests a ruling from the Commission to exempt its officials seconded to foreign assisted projects from the operation of Section 19, Rule XIII of Civil Service Commission Memorandum Circular (CSC MC) No. 15, series of 1999, which disqualifies for promotion seconded officials during the period of their secondment.

Pertinent portions of Secretary Gonzalez' letter-query read, as follows:

"May I request that the personnel of this Department seconded to two (2) foreign-assisted projects, namely: the Third Elementary Education Project (TEEP) and the Secondary Education Development Project be exempt from Section 19 of the above subject circular which reads:

'NO OFFICER OR EMPLOYEE WHO IS ON STUDY LEAVE OR ON SECONDMENT SHALL BE CONSIDERED FOR PROMOTION DURING THE PERIOD OF HIS STUDY LEAVE OR SECONDMENT.'

"We feel that the seconded personnel should be given the opportunity to compete for promotion as it encourages the furtherance of self-advancement and increase work efficiency.

"Our seconded personnel conformed to the Memoranda of Agreement between the receiving agency and the mother agency on the understanding that the December 4, 1997 communication of the Chairman to DECS former Assistant Secretary Marcial Salvatierra still holds. Part of item 3 of the said communication "indicates that a seconded employee does not lose seniority rights within the organization and may in fact be considered for promotion even while on secondment x x x." (Emphasis supplied)

Records show that in a letter dated December 4, 1997, Chairman Corazon Alma G. De Leon, in reply to the letter query of then DECS Assistant Secretary Marcial Salvatierra, had rendered an opinion on the matter, as follows:

"3. A seconded employee does not lose seniority rights within the organization and may in fact be considered for promotion even while on secondment. If promoted, however, he or she must assume the position for the promotion to take force and effect."

It must be stressed that the aforementioned opinion rendered by Chairman De Leon holds true prior to the advent of the Civil Service Commission Memorandum Circular (CSC MC) No. 40, series of 1998, (Omnibus Rules on Appointments and other Personnel Action) and subsequent issuances amending the rules on secondment specifically MC No. 15, series of 1999.

Paragraph c, Section 6, Rule III of CSC MC No. 40, series of 1998, as amended by MC No. 15, s. 1999, provides:

"Sec. 6. Other Personnel Movements. x x x

"a. x x x

"b. x x x

"c. Secondment – movement of an employee from one department or agency to another which is temporary in nature and which may or may not require the issuance of an appointment but may either involve reduction or increase in compensation.

"Secondment shall be governed by the following general guidelines:

(i) x x x

(iv) Secondment shall be upon the request of the mother agency and shall always be covered by a written agreement between the mother agency and the requesting agency and concurred in by the employee seconded. X x x.

(v) Payment of salaries of seconded employee shall be borne by the receiving agency. x x x.

(vi) The seconded employee shall be on leave without pay in his mother agency for the duration of his secondment, and during such period, he may earn leave credits which are commutable immediately thereafter and payable by the receiving agency."

It is explicit from the aforementioned rule that during the period upon which an official is seconded, the seconded

official renders services in the receiving agency and not in his mother agency, where he is considered on leave without pay. The seconded official's performance, therefore, during the said period, however commendable, redounds to the benefit of the receiving agency and not his mother agency. Hence, it is highly discouraging on the part of deserving officials who actually rendered services in and had contributed to the productivity of their mother agency, if and when, seconded officials who are not reporting to work in the latter and who are considered on leave without pay, be considered for promotion during the period of their secondment. Thus, the Commission in the aforementioned rule, specifically disqualifies for promotion officials, who are on secondment with other agency, during the period of their secondment.

It must be pointed out, however, that the abovementioned rule is prospective in application. Officials, who were initially seconded to receiving agencies prior to the effectivity of the aforementioned rule, are governed by the old rule. Under the old rule, seconded officials are not disqualified for promotion. However, once promoted, seconded officials must assume the position for the promotion to take force and effect, as mentioned in the aforementioned letter of Chairman De Leon.

What is controlling, therefore, on whether or not the seconded officials of the DECS may be considered for promotion, is the date of the seconded officials' "initial" secondment to the receiving agencies.

WHEREFORE, this Commission hereby rules and so holds that, seconded officials of the DECS, who were initially seconded to receiving agencies prior to the effectivity of CSC No. 15, series of 1999, i. e., fifteen days following its publication in a newspaper of general circulation, September 26, 1999, are not disqualified for promotion. However, once promoted, the seconded officials must assume the position for the promotion to take force and effect.

Quezon City, **OCT 18 2000**

O.B.
JOSE F. ERESTAIN, JR.
Commissioner

(SGD.)
CORAZON ALMA G. DE LEON
Chairman

(SGD.)
J. WALDEMAR V. VALMORES
Commissioner

Attested by:

(SGD.)

ARIEL G. RONQUILLO

Director III

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