

GANA, Antonio P.
Re: Reassignment

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RESOLUTION NO. 002527

Antonio P. Gana, General Manager, Manila International Airport Authority, seeks legal opinion on whether or not a suspension, regardless of the duration occurring within a period of reassignment, shall be counted in determining the one-year maximum period of the reassignment if the same was done without the consent of the reassignment employee.

Mr. Gana's letter-query reads, as follows:

"This has reference to the reassignment of personnel as contained in the Revised Omnibus Rules on Appointment and Other Personnel Actions otherwise known as CSC Memorandum Circular No. 40, s. 1998.

"Pursuant to said MC, if reassignment is without consent of the employee being reassigned, it shall be allowed only for a maximum period of one year.

"Accordingly, we would like to inquire if suspension, regardless of the duration, occurring within the period of reassignment, shall be conducted or otherwise, in determining the one-year maximum period of reassignment."

Pertinent to the issue at bar is Section 6(a), Rule III of the Omnibus Rules on Appointments and Other Personnel Actions (Civil Service Commission Memorandum Circular No. 40, series of 1998) which provides:

"a. Reassignment - movement of an employee from one organizational unit to another in the same department or agency which does not involve a reduction in rank, status or salary. If reassignment is without the consent of the employee being reassigned it shall be allowed only for a maximum period of one year. Reassignment is presumed to be regular and made in the interest of the public service unless proven otherwise or if it constitutes constructive dismissal." (emphasis supplied)

It can be seen from the aforequoted provision that a reassignment is presumed to be regular and made in the interest of the public service. As such, it can be inferred that the reassignment was not done arbitrarily but was made in the exigency of the government service. Thus, when an employee is suspended during the reassignment, each day that he fails to do his assigned duty would mean a day that such exigencies and interest of the public service was not met or duly acted upon.

Therefore, to allow the counting of the suspension from the service as part of the one-year maximum period for an unconsented reassignment would mean lesser days for the employee to fulfill his duties and responsibilities at the office

where he was reassigned. To allow such practice would clearly be prejudicial to the interest of the public service.

WHEREFORE, the Commission hereby rules that the suspension of an employee occurring within the one-year period for unconsented reassignment shall NOT BE COUNTED in determining the maximum period for such reassignment.

Quezon City, OCT 31 2000

(SGD.) CORAZON ALMA G. DE LEON

Chairman

JOSE F. ERESTAIN, JR.

Commissioner

(SGD.) J. WALDEMAR V. VALMORES

Commissioner

Attested by:

(SGD.) ARIEL G. RONQUILLO

Director III

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