

ESTABLISHING THE MERIT SELECTION AND PROMOTION PLAN FOR THE LOWER COURTS (MSPP-LC) AND RENAMING THE SELECTION AND PROMOTION BOARD FOR THE LOWER COURTS (SPB-LC) TO HUMAN RESOURCE...

REVISED ADMINISTRATIVE CIRCULAR NO. 05-2022, August 23, 2022

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WHEREAS, pursuant to Section 32, Book V of the Administrative Code of 1987 (Executive Order No. 292) and Civil Service Commission (CSC) Memorandum Circular (MC) No. 3, s. 2001, the Court issued Administrative Circular No. 50-2001 establishing the Merit Selection and Promotion Plan for the Lower Courts (MSPP-LC);

WHEREAS, pursuant to CSC MC No. 24, s. 2017, the CSC adopted and promulgated the 2017 Omnibus Rules on Appointments and Other Human Resource Actions (ORAOHRA) to govern the preparation, submission of, and actions to be taken on appointments and other human resource movements in the Philippine government;

WHEREAS, to ensure that the provisions of this policy are in accordance with other administrative issuances and pertinent laws, and to respond to the changing needs in human resource management, the CSC issued MC No. 14, s. 2018, approving the amendments and additional provisions to the 2017 Omnibus Rules on Appointments and Other Human Resource Actions, which took effect on August 26, 2018;

WHEREAS, CSC MC No. 14, s. 2018 requires the agencies to submit to the CSC Regional Office (RO) concerned for its approval the Revised Agency Merit Selection Plan in accordance with the 2017 Omnibus Rules on Appointments and Other Human Resource Actions, Revised in July 2018;

WHEREAS, there is also a need to rename the Selection and Promotion Board for the Lower Courts (SPB-LC) to Human Resource Merit Promotion and Selection Board for the Lower Courts (HRMPSB-LC);

NOW, THEREFORE, to conform to the 2017 Omnibus Rules on Appointments and Other Human Resource Actions, revised in July 2018, the Supreme Court (SC) hereby establishes the MSPP-LC:

I. OBJECTIVES

The MSPP-LC aims to:

1. Establish a system that is characterized by strict observance of the merit, fitness, and equality principles in the selection of applicants for appointment or promotion to positions in the career service; and
2. Create equal opportunities to all qualified men and women for employment and career advancement in the lower courts.

II. SCOPE

This MSPP-LC shall cover career positions in the first and second level or its equivalent in the lower courts, namely, the Regional Trial Courts, Family Courts, Shari'a District Courts, Metropolitan Trial Courts, Municipal

Trial Courts in Cities, Municipal Trial Courts, Municipal Circuit Trial Courts, and Shari'a Circuit Courts.

III. DEFINITION OF TERMS

As used in this Administrative Circular, the hereunder terms shall mean as follows:

Appointment - document issued by the CSC that determines the employment status of employees.

Career Service - positions in the civil service characterized by (1) entrance based on merit and fitness to be determined as far as practicable by competitive examination, or based on highly technical qualifications; (2) opportunity for advancement to higher career positions; and (3) security of tenure.

Comparatively at Par - predetermined reasonable difference or gap between point scores of candidates for appointment established by the HRMPSB-LC.

Deep Selection - the process of selecting a candidate for appointment who is not next-in-rank but possesses superior qualifications and competence.

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.

Developmental Interventions - refers to Human Resource Development (HRD) interventions such as coaching, mentoring, cross posting program, job rotation, temporary assignment, secondment, team building knowledge sharing and learning session, shadowing and counselling.

Discrimination - a situation wherein a qualified applicant is not included in the selection line-up on account of age, sex, sexual orientation, gender identity, civil status, pregnancy, disability, religion, ethnicity, political affiliation or social class.

Education - refers to the formal or non-formal academic, technical or vocational studies that will enable the candidate to successfully perform the duties and responsibilities indicated in the Position Description Form (PDF) (DBM-CSC Form No. 1, Revised 2017) of the position to be filled.

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 CSC, or other examinations jointly designed and coordinated by the departments or agencies with the assistance of or in coordination with the CSC, and other examinations such as the Philippine Regulatory Commission (PRC) conducted board examinations, the SC-conducted bar examinations or the Career Executive Service Board (CESB)-conducted Career Executive Service (CES) examinations.

Experience - refers to the previous jobs in either the government or private sector, whether full-time or part-time, which, as certified by the Human Resource Management Officer or authorized officials of the previous employer, are functionally related to the duties in the PDF of the position to be filled.

First Level Positions - refer to positions involved in structured work in support of office operations or clerical, trades, crafts, or custodial service positions which involve sub-professional work in a non-supervisory or supervisory capacity.

Gender Identity - refers to the personal sense of identity as characterized, among others, by manners of clothing, inclinations, and behavior in relation to masculine and feminine conventions. A person may have a male or female identity with the psychological characteristics of the opposite sex.

Hard to fill vacancies - refers to vacancies for which agencies found difficulties in recruitment for reasons such

as, lack of skills of applicants, inadequate experience, applicants' expectation of high salary, lack of professional license, competition with private sectors and overseas jobs.

Hiring Quota - the pre-determined ratio of applicants for appointment to ensure that one gender does not fall short of the desired percentage of the selection rate for the other gender in equivalent positions at every level, provided they meet the minimum requirements of the position.

Human Resource Actions - any action denoting the movement or progress of human resource in the civil service such as original appointment, promotion, transfer, reinstatement, reemployment, detail, reassignment, secondment, and demotion.

Job Requirements - requisites not limited to the qualification standards of the position, but may include skills, competencies, potentials, physical and psycho-social attributes necessary for the successful performance of the duties required of the position.

Next-in-Rank Position - a position which by reason of the hierarchical arrangement of positions in the agency or in the government is determined to be in the nearest degree of relationship to a higher position as contained in the agency's System of Ranking Positions (SRP).

Non-Career Service - positions expressly declared by law to be in the non-career service; or those whose entrance in the service is characterized by (1) entrance on the bases other than those of the usual tests of merit and fitness utilized for the career service; and (2) tenure which is limited to the duration of a particular project of which purpose employment was made.

Open Positions - positions that do not have any next-in-rank positions or residual positions of each level which may be filled up by lateral or vertical entry.

Outstanding accomplishments - refer to an award conferred to an appointee by virtue of outstanding performance in the workplace or exemplary ethical behavior and conduct, as may have been conferred by either the Civil Service Commission, the Court, or any government agency, Program on Rewards, Awards and Incentives for Service Excellence (PRAISE), Presidential Lingkod Bayan, Silangan Awards, CSC Pagasa Award, Kapwa Award, Dangal ng Bayan. It includes occupational history, relevant work experience acquired either from the government or private sector, and accomplishments worthy of special commendation.

Performance Rating - rating given to government employees on a semi-annual basis as provided for in the Strategic Performance Management System (SPMS).

Potential - the capacity and ability of a candidate to assume the duties of the position to be filled and those of higher or more responsible positions.

Probationary period - the six (6)-month 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.

Promotion - the advancement of an 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.

Psycho-Social Attributes - the characteristics or traits of a person which involve both psychological and social aspects. Psychological attribute includes the way a person perceives things, ideas, beliefs and understanding and how a person acts and relates these things to others and in social situations.

Qualification Standards - a statement of the minimum qualifications for a position which shall include education, experience, training, civil service eligibility, and physical characteristics and personality traits required in the performance of the job.

Qualified Next-in-Rank - an employee appointed on a permanent status to a position next-in-rank to the vacancy as reflected in the SRP approved by the head of agency and who meets the requirements for appointment to the next higher position.

Second Level Positions - those which involve professional, technical and scientific work in a non-supervisory or supervisory capacity up to Division Chief level or its equivalent.

Selection - the systematic method of determining the merit and fitness of a person on the basis of qualifications and ability to perform the duties and responsibilities of the position.

Selection Line-up - a listing of qualified and competent applicants for consideration to a vacancy which includes, but not limited to, the comparative information of their education, experience, training, civil service eligibility, performance rating (if applicable), relevant work accomplishments, physical characteristics, psycho-social attributes, personality traits and potential.

Superior Qualifications - any outstanding relevant work accomplishments, educational attainment and training appropriate for the position to be filled, which shall include demonstration of exceptional job mastery and potentials in major areas of responsibility.

System of Ranking Positions (SRP) - the hierarchical arrangement of positions from highest to lowest which shall be a guide in determining which position is next-in-rank, taking into consideration the following:

- a. Organizational structure;
- b. Salary grade allocations;
- c. Classification and functional relationship of positions; and
- d. Geographical location.

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 employee's 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 job description 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.

Upgrading - is a form of reclassification involving an upward change in salary grade allocation with or without change in position title.

IV. BASIC POLICIES

1. Selection of appointees in the lower courts shall be open to all qualified applicants according to the principle of merit, fitness and equality.

There shall be equal employment opportunities for applicants at all levels of positions in the lower courts, provided that they meet the minimum requirements of the position to be filled.

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

2. There shall be a HRMPSB-LC for first and second level positions in the lower courts with the following composition:

Chairperson - Court Administrator

1[st] Vice-Chairperson - Deputy Court Administrator

2[nd] Vice-Chairperson - Deputy Court Administrator

3[rd] Vice-Chairperson - Deputy Court Administrator

Members Assistant Court Administrator (1)

Assistant Court Administrator (2)

Office of the Chief Justice Representative

Chief of the Office of Administrative Services, Office of the Court Administrator

Philippine Association of Court Employees (PACE) Representative from the 2[nd] level positions or his/her alternate who shall participate only in the screening of candidates for vacancies in the level which they represent

PACE Representative from the 1[st] level positions or his/her alternate who shall participate only in the screening of candidates for vacancies in the level which they represent

The PACE representatives named to the HRMPSB-LC voted for a special meeting for the purpose by the National President and unanimously approved by the National Board. They shall serve only as such representative for a period of two (2) years unless renewed in the subsequent election held for the same purpose.

Secretary-Recorder - To be designated by the Chairperson

Two (2) Asst. Secretary-Recorder - To be designated by the Chairperson

Aide - To be designated by the Chairperson

Three (3) Clerk III positions - To assist the Secretariat

3. The members of the HRMPSB-LC, as far as practicable or when necessary shall undergo orientation and workshop on the selection or promotion process and CSC policies on appointments.
4. The Chief Justice shall, as far as practicable, ensure equal opportunity for men and women to be represented in the HRMPSB-LC.
5. The MSPP-LC shall cover positions in the first and second levels and shall also include original appointments and other related human resource actions.
6. When a position covered by this MSPP-LC becomes vacant, applicants selected for appointment thereto who are competent and qualified and possess the appropriate civil service eligibility shall be considered for permanent appointment.
7. Applicants to published and/or posted vacant positions must meet the education, experience, training, and eligibility requirements prescribed in the Qualification Standards for the position at the time of application.
8. Vacant positions in the career service, including vacant executive/managerial positions in the second and third level positions marked for filling shall be published in accordance with Republic Act No. 7041 (R.A. No. 7041 or the Publication Law) and its implementing guidelines. The published vacant positions that are authorized to be filled, together with their corresponding qualification standards and plantilla item numbers, shall be published and posted in at least three (3) conspicuous places in the court where such vacancies exist for a period of at least ten (10) calendar days in accordance with the provisions of R.A. No. 7041 and its implementing guidelines. Other appropriate modes of publication may be considered.

The Office of Administrative Services, Office of the Court Administrator (OAS, OCA) shall submit a list of vacant positions authorized to be filled, their corresponding qualification standards, and plantilla item numbers (CS Form No. 9, Revised 2018) in electronic and printed copies to the CSC Field Office (CSC FO) concerned. The printed copy shall be posted by the CSC FO in its bulletin board. The electronic copy shall be forwarded to the CSC - RO concerned which shall publish the same in the CSC Bulletin of Vacant Positions in the Government in the CSC Website.

In addition, OAS, OCA, may publish vacant positions through other modes such as in the SC website, newspaper (local and/or national) and other job search websites. The reckoning date of publication will be the publication/republication date, regardless of the mode, as certified by the Human Resource Management Officer (HRMO); provided, that a request for publication of vacant position/s has been filed at the CSC FO on the same day of publication in the SC website or newspaper or other job search websites.

The qualification standards of the parenthetical title should be used in the publication of vacant generic positions.

The following positions are exempt from the publication and posting requirements:

- Primarily confidential;
- Policy-determining;
- 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 in its central and regional/field offices;
- 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 EO No. 292; or

- 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.

9. The HRMPSB-LC shall maintain fairness and impartiality in the assessment of candidates for appointments. Towards this end, the HRMPSB-LC may initiate innovative schemes and may employ assistance of external independent resource persons in determining the best and most qualified candidate.

10. The following appointments shall no longer be screened by the HRMPSB-LC:

- Substitute appointments due to their short duration and emergency nature. However, should the position be filled by regular appointment, candidates for the position should be screened and passed upon by the HRMPSB-LC;

- Appointment to primarily confidential, casual, contractual, coterminous, and other non-career positions as identified under Section 9, Subtitle A, Title I, Book V of EO No. 292; and

- 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 for the last rating period.

11. The following HR movements shall not require the issuance of appointment:

- Change in item number;

- Salary adjustment - Notice of Salary Adjustment (NOSA);

- Step increment - Notice of Salary Increment (NOSI);

- Reinstatement to the same position/item;

- Demotion as a result of a disciplinary action; and

- Positions marked as coterminous with the incumbent.

12. The comparative competence and qualification of candidates for appointment shall be determined on the bases of the following:

- Performance Rating - for appointment by promotion or transfer, the Performance Rating of the appointee in the last rating period prior to the date of assessment or screening, which should be at least Very Satisfactory (VS), shall be required.

For those who are on official leave of absence, the performance rating of at least VS in the last rating period prior to the official leave of absence/maternity leave/paternity leave/scholarship or training grant shall be used as basis for promotion of an appointee/scholar. If promoted, the effectivity date of the promotional appointment shall be on the assumption to duty or upon return from scholarship or training grant or authorized leave.

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.

- Education - certificates of completion of non-formal education issued by the Department of Education 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.

For one to meet the two-year studies in college requirement in the Qualification Standards Manual, one must have earned from a Commission on Higher Education (CHED)-recognized institution at least 72 academic units leading to a degree or has completed a relevant two-year collegiate/technical course.

Certificates issued by the schools deputized by the 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.

Certificates issued by the schools deputized by CHED showing completion of at least 72 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.

A certification/s issued by the CHED that a degree obtained from foreign schools 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 bachelor's or master's degree.

To meet the relevant bachelor's degree requirement in the Qualification Standards (QS) Manual, the appointee must complete a bachelor's degree from a CHED-recognized college or university 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.

- Experience - the following relevant experience may be considered for meeting the experience requirement:
- Job Order or Contract of Service covered by a contract or a Memorandum of Agreement may be considered for meeting the experience requirement;
- Volunteer work, on full-time basis, as certified by the Human Resource Management Officer or authorized officials, may be considered for meeting the experience requirement;
- 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; and
- Designation covered by an Office or Memorandum Order may be considered for meeting the experience requirement.
- Training - may be acquired from any of the following institutions:
- CSC accredited learning and development institutions;
- Government training institutions;
- Non-accredited private training institution offering training of highly technical/specialized nature;
- Local training institution that is internationally acclaimed for meeting the global standards of excellence in training;
- Institution recognized by CHED as Center of Excellence (COE) or Center of Development (COD);
- Foreign institution that offers training for scholarship purposes or for personal advancement of participants; or
- Other institutions that partner with the CSC in building capabilities of civil servants.

Training acquired from any of the aforementioned institutions may be relevant to the position to be filled and aligned with the strategy map or development goal of the Judiciary.

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

In house Court/Philippine Judicial Academy (PHILJA)-initiated or Court/PHILJA in-service training/learning and development intervention shall be considered for purposes of meeting the training requirement of positions.

For the second level with duties and responsibilities involving the practice of profession, the Mandatory Continuing Legal Education (MCLE) Program for Bar passers, the Continuing Professional Education/Continuing Professional Development (CPE/CPD) for licensed professionals or trainings/learning and development interventions relevant to practice of profession may be considered for meeting the training requirements.

- Eligibility - 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.

Second level eligibilities are appropriate for appointment to first and second level positions. 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.

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.

Eligibilities resulting from passing the bar/board examinations which require completion of at least 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 bar/board/special laws or those that require licenses such as those positions listed in Category IV of CSC MC No. 11, s. 1996, as amended.

Eligibilities resulting from passing the bar/board examinations which require completion of less than a bachelor's degree shall be considered appropriate to positions for which the examination is given, and to other first level positions not covered by bar/board/special laws or those that require licenses such as those positions listed in Category IV of CSC MC No. 11, s. 1996, as amended.

Passing the 13th Shari'a Bar Examinations held in January 2014 and the Shari'a Bar Examinations conducted thereafter 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 in Category IV of CSC MC No. 11, s. 1996, as amended.

Passing the Shari'a Bar Examinations held prior to the 13th Shari'a Bar Examinations shall be considered as appropriate for appointment to first 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 in Category IV of CSC MC No. 11, s. 1996, as amended.

For purposes of appointment, passers of the Shari'a Bar Examinations shall be required to submit an authenticated copy of his/her Certificate of Membership in the Shari'a Bar issued by the Supreme Court.

- Outstanding Accomplishments - Award/s conferred to an applicant by virtue of outstanding performance in the workplace or exemplary ethical behavior and conduct, as may have been conferred by either the CSC, the Court,

or any government agency, Program on Rewards, Awards and Incentives for Service Excellence (PRAISE) as reflected in any of the documents submitted by an applicant may be considered. Awards include occupational history, relevant work experience acquired either from the government or private sector, and accomplishments worthy of special commendation may be considered for meeting the outstanding accomplishment requirement.

- Psycho-Social Attributes and Personality Traits - Psycho social attributes and personality traits manifested by applicant/s as gauged thru the interview and/or examinations given by the Executive Judges or Presiding Judge or Acting Presiding Judge or Assisting Judge may be considered for meeting the psycho-social and personality traits requirement.

- Potentials - the capacity and ability to assume the duties of the position to be filled and those of higher position manifested by applicants as gauged thru the interview and/or examinations given by the Executive Judges or Presiding Judge or Acting Presiding Judge or Assisting Judge may be considered for meeting the potential requirement.

- Length of Service/Seniority - in determining seniority among applicants, the following order of preference in the length of service may be considered:

- Branch or in the OCC where the vacancy exists;
- Same station of same level court where the vacancy exist;
- Service in the judiciary; and
- Government service in either executive or legislative branch.

13. All qualified next-in-rank employees shall be considered candidates for promotion to the next higher position. However, no employee may be promoted to a position which is more than three (3) salary grades higher than the employee's present position, subject to the following exceptions:

- The position occupied by the employee is next-in-rank to the vacant position as identified in the Merit Selection Plan and the System of Ranking Positions of the Court;
- The vacant position is a lone or entrance position, as indicated in the Court's staffing pattern;
- The position is hard to fill;
- The vacant position is unique and/or highly specialized;
- The candidates passed through a deep selection process, taking into consideration the candidate's superior qualifications in regard to:
 - Educational achievements;
 - Highly specialized trainings;
 - Relevant work experience;
 - Consistent high performance rating/rankings; and
 - Outstanding accomplishments;
- The vacant position belongs to the closed career system;
- Other meritorious cases, such as, but not limited to:

- When the candidate is the lone applicant who meets all the requirements of the position and passed through the deep selection process;
- When the qualified next-in-rank employee/s waived his/her/their privilege to be considered for the vacant position in writing;
- When the next-in-rank position, as identified in the agency SRP is vacant;
- When the next-in-rank employee/s is/are not qualified; and
- When the qualified next-in-rank employees did not apply.

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:

- Transfer incidental to promotion provided that the appointee was subjected to deep selection;
- Reappointment involving promotion from non-career to career provided the appointee was subjected to deep selection;
- Reappointment from career to non-career position;
- Reemployment; and
- Reclassification of position.

14. The appointing authority may appoint an applicant who is not next-in-rank but who possesses superior qualifications and competence, and has undergone the selection process.

15. Promotion within six months prior to compulsory retirement shall not be allowed except as otherwise provided by law.

16. No relatives of incumbent employees within the third civil degree of consanguinity or affinity shall be appointed in the same branch or office except when the appointment involves the promotion of an incumbent employee of the same branch or office, a change of status of appointment, or a renewal of temporary appointment.

17. 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 twelve 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 positions that involve practice of profession regulated by bar/board or 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. 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.

18. Employees who have been meted administrative penalties shall be disqualified for promotion for a certain period of time pursuant to Supreme Court Memorandum Order No. 12-2002, as follows:

Penalty

Period of Disqualification

Fine or Reprimand

6 months

Suspension from 1 day to 1 month

7 months

Suspension from 1 month and 1 day to 2 months

8 months

Suspension from 2 months and 1 day to 3 months

9 months

Suspension from 3 months and 1 day to 4 months

10 months

Suspension from 4 months and 1 day to 5 months

11 months

Suspension from 5 months and 1 day to 6 months

1 year

Suspension from 6 months and 1 day to 1 year

2 years

The period of suspension and disqualification shall be reckoned from notice of the Court's resolution by the disciplined human resource.

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

20. Agencies shall not fill up vacancies resulting from promotion until the promotional appointments have been approved/validated by the CSC, except in meritorious cases, as may be authorized by the Commission and those conferred with the PRIME-HRM Bronze/Silver/Gold award.

21. The Presiding Judge/Acting Presiding Judge/Pairing Judge for vacancies in the branches or the Executive Judge for vacancies in the OCC shall be responsible for the conduct of background investigation of the applicants.

V. PROCEDURE

1. Request for Authority to Fill Vacant Positions

The Chief Justice shall delegate to the Court Administrator, Deputy Court Administrators and Assistant Court Administrators the approval of the authority to fill vacant positions in the lower courts. In the case of a position soon to be vacated due to the compulsory retirement of their incumbent, the request shall be made within six (6) months prior to the date of the incumbent's retirement but the publication and posting shall not be earlier than thirty (30) calendar days prior to retirement.

Said delegation shall also cover other causes of vacancies such as death, transfer, dismissal, resignation or promotion of the incumbent, the request for authorization to fill shall be made within one (1) month from the occurrence of the vacancy. The Court Administrator, Deputy Court Administrators and Assistant Court Administrators shall specify the positions to be filled and the court or office where such positions belong.

In case of optional retirement, the request for authority to fill shall be within thirty (30) calendar days from the receipt of the resolution approving such optional retirement.

Upon approval of the request, the OAS, OCA, shall notify the concerned Presiding Judge or Acting Presiding Judge and Executive Judge within five (5) calendar days from such approval.

The OAS, OCA, shall regularly notify the Court Administrator, Deputy Court Administrators and Assistant Court Administrators of the vacancies.

2. Publication of Vacant Positions and Submission of Applications

Within thirty (30) calendar days from notice of approval of the Chief Justice, the OAS, OCA, shall:

- Cause the publication of said vacant positions in the CSC Bulletin of Vacant Positions or through other modes of publication;
- Notify the Executive Judge for vacancies in the Office of the Clerk of Court, or the Presiding Judge, Acting Presiding Judge, Assisting Judge or Pairing Judge for vacancies in the branch, to post notice/s of vacancies;
- Within five (5) calendar days from notification, the Branch Clerk of Court or Acting Branch Clerk of Court (for vacancies in the branch) and the Clerk of Court or Acting Clerk of Court (for vacancies in the Office of the Clerk of Court) shall post notice/s of vacancies in three (3) conspicuous places in the court's premises for ten (10) calendar days. The notice shall specify the qualification standards and requirements for the position.
- Within thirty (30) calendar days from the expiration of the ten (10) calendar-day period of posting, the following guidelines shall be observed:
 - For vacancies in the branch, the Presiding Judge, Acting Presiding Judge or Pairing Judge shall submit all applications together with the required documents from the applicants including the results of the examination and the interview to the Executive Judge. In the event that the applicant/s submit/s an application on the 30th day, the Presiding Judge, Acting Presiding Judge or Pairing Judge shall have an extended period of one (1) calendar day within which to conduct the examination and interview of the applicant/s.

The Executive Judge or Acting Executive Judge shall transmit all applications to the OAS, OCA, within five (5) calendar days from receipt thereof; and

- For vacancies in the OCC, the Executive Judge or Acting Executive Judge shall indorse all applications to the OAS, OCA.
- 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; and
- Should no appointment be issued within the nine (9)-month period, the OAS, OCA, shall cause the re-publication of the vacant position and the lower court shall cause the re-posting of the notice of vacancy.

3. Transmittal of Applications to the OAS, OCA

The Presiding Judge or the Acting Presiding Judge for vacancies in the Branch of a court and the Executive Judge for vacancies in the Office of the Clerk of Court shall within the period set for in Item 2 (d), transmit to the OAS,

OCA, all applications for consideration or deliberation by the HRMPSB-LC.

4. Listing of all Candidates for the Position and Preliminary Evaluation of Qualifications of Applicants

- The OAS, OCA, shall prepare a list of candidates aspiring for the vacant position and shall conduct preliminary evaluation of the qualifications of all candidates named in the list within thirty (30) calendar days from receipt of the applications. Those initially found qualified shall be included in a selection line-up which shall also reflect the candidates' comparative competence and qualifications based on the following factors:

- performance;
- education and training;
- experience and outstanding accomplishments;
- psycho-social attributes and personality traits; and/or
- potential.

- Notification of Outcome of Preliminary Evaluation

The OAS, OCA, shall notify all applicants of the outcome of the preliminary evaluation of their documents within three (3) days after such preliminary evaluation.

5. Submission of Line-up to the HRMPSB-LC

The OAS, OCA, shall immediately submit the selection line-up to the HRMPSB-LC, thru its Secretariat, for its deliberation within one (1) calendar day from the completion of the preliminary evaluation.

6. Assessment of Competence and Qualification of Candidates

Upon inclusion in the agenda, the HRMPSB-LC shall make a systematic assessment of the qualifications and competence of candidates for appointment on the day of its regular meeting. It shall evaluate and deliberate the qualifications of those listed in the selection line up.

The deliberation shall not be made earlier than ten (10) calendar days from the date of publication and posting of a vacant position as well as its re-publication and re-posting.

7. Preparation and Confirmation of the Resolution Containing the List of Candidates for Appointment

The HRMPSB-LC Secretariat shall within fourteen (14) calendar days prepare the Resolution containing the list of candidates for appointment and have the same confirmed by the HRMPSB-LC.

8. Submission of Resolution Containing the List of Candidates to the Court

The resolution containing the list of candidates for appointment, from which the appointee will be chosen, shall be in the prescribed format, to be signed by all those who participated therein, and to be submitted to the Office of the Chief Justice within five (5) calendar days from its approval by the HRMPSB-LC.

The list of recommended candidates should, at the most, reflect the comparative qualification and competence of the top five (5) ranking candidates, deemed most qualified for appointment to the vacant position.

9. Assessment and Selection by the Chief Justice and the Chairpersons of the Divisions

The Chief Justice, with the concurrence of the Chairpersons of the Divisions pursuant to A.M. No. 99-12-08-SC, shall be guided by the report of the HRMPSB-LC's assessment of candidates and in the exercise of sound

discretion, select in so far as practicable, from among the top five (5) candidates or less, deemed most qualified for appointment to the vacant position, depending on the number of candidates.

The Secretariat shall regularly monitor the approval of the pending resolutions that were submitted to the Office of the Chief Justice.

10. Transmittal of Resolution/Approval of Appointment

The resolution containing the approved appointment of the selected candidate, signed by the Chief Justice with the concurrence of the Chairpersons of the Divisions, pursuant to A.M. No. 99-12-08-SC, shall be transmitted to the OAS, OCA, for the processing and preparation of the commission evidencing the appointment.

The Secretariat shall regularly monitor the transmittal of the approval of the resolution of the appointment that was submitted to the Office of the Chief Justice.

11. Preparation of Appointment

Pursuant to the SC Court En Banc Resolution dated February 26, 1991 (Re: Guidelines on the functions of the Office of the Court Administrator), appointments of all lower court human resource shall be processed by the OAS, OCA within five (5) calendar days from receipt of the approval of the resolution. The document evidencing their appointment shall be signed by the Court Administrator, the Deputy Court Administrators, or Assistant Court Administrators, upon approval by the Court.

Employment status or appointment/s to be processed by the OAS, OCA, may be any of the following:

- Permanent - issued to a person who meets all the qualification requirements of the position to which he/she is being appointed to, including appropriate eligibility, in accordance with the provisions of law, rules and standards promulgated in pursuance thereof.
- Temporary - issued to a person who meets the education, experience, and training requirements except for the appropriate eligibility. It 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.
- Substitute - an appointment 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.
- Coterminous appointment for primarily confidential positions - appointment issued to a person whose tenure is limited to a period specified by law. Coterminous appointment for primarily confidential positions is issued to a person by virtue of the trust reposed in the appointee. The appointee is exempt from qualification requirements except for positions involving the practice of profession regulated by the bar/board or special laws and/or require licenses.
- Contractual - special contract to undertake job requiring special or technical skills not available in the employing agency. The duration of the appointment is limited to one (1) year and may be renewed every year depending on performance. The appointee must meet the education, training and experience proposed by the agency heads and approved by the CSC. The eligibility is not required except for positions involving practice of profession or requiring licenses. 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 Department of Budget and Management (DBM). Appointees are entitled to the same benefits enjoyed by regular employees.

- Casual - 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. Casual employees must meet the education, training and experience requirements of the positions as proposed by the Court (Agency Heads) and approved by the Civil Service Commission.

The Nature of appointment shall be as follows:

- Original - issued for the initial entry into the career or non-career service subject to probationary period under Rule V of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions.

- Promotion - issued in 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 level of court to another or from one organizational unit to another unit either within the same level or to another level.

- Transfer - 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.

- Reemployment - issued to a person who has been previously appointed to a position in the government service but was separated therefrom as a result of reduction in the 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.

- Reappointment - issued to a person as a result of reorganization, devolution, salary standardization, renationalization, re-categorization, rationalization or similar events. It includes the issuance of appointment from temporary to permanent, career to non-career or vice versa, non-career to another non-career. Reappointment presupposes no gap in the service.

- Reinstatement (to comparable position) - 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.

- Demotion - movement of an employee from a higher position to a lower position where he/she qualifies, if a lower position is available. It entails reduction in duties, responsibilities, status or rank, which may or may not involve a reduction in salary. If demotion is due to reorganization/rationalization, the appointee is entitled to the salary of the higher position. For voluntary demotion, the appointee is entitled to be paid his/her salaries at the same step of the salary grade of the previous position. Demotion as a result of a disciplinary action entails the adjustment of the salary of an employee to the next lower salary grade with the same salary step.

- Reclassification - includes downgrading or upgrading when there is a substantial change in regular duties and responsibilities of the position. This is not subject to compliance with qualification standards. Reclassification of position requires the issuance of an appointment but the same is ministerial on the part of the appointing officer/authority.

12. Preparation and Transmittal of Notice to Assume and Acknowledgment of Commission (Appointment) to the concerned Judge

Preparation of letter informing the Presiding Judge/Acting Presiding Judge or Executive Judge that the appointee

may take his/her oath of office and assume his or her duties as well as transmitting the signed Commission (Appointment) for acknowledgment of the appointee.

13. Posting of a Notice Announcing the Appointment

After the appointment has been made by the Chief Justice, with the concurrence of the Chairpersons of the Divisions, pursuant to A.M. No. 99-12-08-SC, the OAS, OCA, shall immediately request the Presiding Judge/Executive Judge or the Clerk of Court concerned to post a notice announcing the appointment in three (3) conspicuous places within the court's premises within fifteen (15) calendar days. The date of posting should be indicated in the notice.

14. Transmittal of the signed Commission (Appointment) to the CSC for Attestation

The OAS, OCA, shall transmit the Commission (Appointment) to the CSC within five (5) calendar days from receipt of Commission (Appointment) after the acknowledgment/signing thereof by the appointee.

VI. PROTEST

1. Filing and Grounds for Protest

A qualified next-in-rank official or employee may file a protest against an appointment. The only ground for a protest is that the appointee does not possess the minimum qualification requirements of the position.

2. Forms and Contents of Protest

The protest shall be written in clear, simple and concise language and in a systematic manner. The aggrieved party shall be called the "Protestant" and the proposed appointee the "Protestee."

The protest shall contain the following:

- The position contested, including its item number in the Plantilla;
- The full name, office, and position of both the protestant and the protestee;
- The specifications of the protest; and
- The comparative qualifications data pertaining to both the protestant and the protestee by showing their education, training, experience, outstanding accomplishments, civil service eligibility, and latest performance rating.

3. Period of Filing Protest

A Protest may be filed within fifteen (15) days from the receipt of the notice informing the protestant that he/she was not chosen for the vacant position and/or posting of appointments subject to protest.

Failure to file a protest within the prescribed period shall be deemed a waiver of one's right, and no protest shall thereafter be entertained.

4. Procedure in Filing Protest

- The protestant shall, within the prescribed period, file his/her protest in triplicate copies, together with all relevant documents, directly with the OAS, OCA, which, in turn, shall immediately forward the same to the HRMPSB-LC.
- The HRMPSB-LC shall, within three (3) days from receipt of the protest, require the Executive Judge, Presiding

Judge, Acting Presiding Judge, Assisting Judge, or Pairing Judge of the court where the contested position exists, to comment thereon within five (5) days from receipt of the protest.

- The relevant documents and the comment thereon of the Judge concerned shall be forwarded by the HRMPSB-LC, together with its own recommendation and findings on the matter, to the Chief Justice and the Chairpersons of the Divisions for resolution on the basis of available documents or records at hand.

- The decision of the Chief Justice and the Chairpersons of the Divisions on the protest is appealable to the CSC Regional Office, and then to the CSC Proper.

VII. FUNCTIONS AND RESPONSIBILITIES

1. Functions and Responsibilities of the Office of Administrative Services, Office of the Court Administrator

The OAS, OCA, shall have the following functions and responsibilities:

- Disseminate copies of the MSPP-LC to all Judges after approval thereof by the CSC;
- Develop a System of Ranking Positions for approval by the Chief Justice, copy furnished the CSC and its Field Office concerned, for reference purposes;
- Develop and maintain an updated qualification database of employees to include education, training, experience, skills, competencies and other similar information;
- Develop a program to fast-track the career movement of employees with superior qualifications; and
- The OAS, OCA, may require the employees to update their Personal Data Sheet as may be necessary, and to submit supporting documents thereto.

2. Functions and Responsibilities of the HRMPSB-LC Secretariat

The HRMPSB-LC Secretariat shall maintain records of all deliberations which must be made accessible to interested parties upon written request and for inspection and audit by the CSC.

3. Functions and Responsibilities of the HRMPSB-LC

The HRMPSB-LC shall have the following functions and responsibilities:

- Adopt a formal screening procedure and formulate criteria for the evaluation of candidates for appointment, taking into consideration the following:

a.1

Reasonable and valid standards and methods of evaluating the competence and qualifications of all applicants competing for a particular position; and

a.2

Criteria for evaluation of qualifications of applicants for appointment which must suit the job requirements of the position;

- Disseminate screening procedure and criteria for selection and any modification thereof to all officials, employees and interested applicants;

- Orient the court officials and employees regarding policies relative to human resource actions;
- Assiduously study and screen applications for the positions in the lower courts and, thereafter, make reports thereon to the Court for approval;
- Specifically, the HRMPSB-LC shall act on the following:

e.1

When an applicant who is not yet in the service is recommended to a vacant position even if there are qualified applicants thereto who are already in the service;

e.2 When more than one applicant for the same position are recommended by the Presiding Judge;

e.3

When the applicant recommended by the Acting Presiding Judge of the court where the vacancy exists is different from the recommendee of the regular Presiding Judge therein who is detailed to another court;

e.4

When the applicant recommended by the Acting Presiding Judge or by the regular Presiding Judge detailed in another court is different from the recommendee of the Executive Judge;

e.5

When the recommendee of a Presiding Judge/Executive Judge or Acting Presiding Judge is objected to by the recommendee's co-employee belonging to the same court; and

e.6 Such other matters as may be referred to the HRMPSB-LC for resolution;

- The HRMPSB-LC shall assist the appointing officer/authority in the judicious and objective selection of candidates for appointment in the agency in accordance with the approved Merit Selection and Promotion Plan for the Lower Courts (MSPP-LC);
- The HRMPSB-LC 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; and
- The HRMPSB-LC shall be represented by at least the majority of the Members during the deliberation of candidates for appointment.

VIII. EFFECTIVITY

The MSPP-LC and the subsequent amendments thereto shall take effect immediately after approval by the Court.

This supersedes Amended Revised Administrative Circular No. 50-2001 (Establishing the Merit Selection Promotion Plan for the Lower Courts) issued on 30 September 2005.

Issued this 23rd day of August 2022.

(SGD.) ALEXANDER G. GESMUNDO
Chief Justice of the Philippines
Chairperson, First Division

(SGD.) MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson
Third Division

(SGD.) ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson
Second Division

(By virtue of and pursuant to A.M. No. 99-12-08-SC-revised)

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