

SC CIRCULAR NO. 43-92, August 13, 1992

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OFFICE OF THE COURT ADMINISTRATOR

TO:

ALL JUDGES OF THE REGIONAL TRIAL COURTS, SHARI' AH DISTRICT COURTS, METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS, MUNICIPAL CIRCUIT TRIAL COURTS AND SHARI' AH CIRCUIT

SUBJECT: RENEWAL OF APPOINTMENTS OF TEMPORARY EMPLOYEES IN THE LOWER COURTS

Pursuant, to a Resolution of this Court, dated April 9, 1987, all personnel of the lower courts are appointed upon recommendation of the Presiding Judges concerned. Likewise, temporary appointments are renewed upon the recommendation of the said Judges.

However, it has been noted that some Judges, despite due notice, fail to submit their recommendations two (2) months prior to the expiration of the temporary appointments of their personnel^ thereby causing delay in the processing and approval thereof which, in turn, delays the submission of the said appointments to the Civil Service Commission, thus disregarding Section 11, Rule V of the Omnibus Civil Service- Rules quoted hereunder:

Sec. 11. An appointment not submitted to the Commission within thirty (30) days from the date of issuance which shall be the date appearing on the face of the appointment, shall be ineffective. The appointing authority shall be liable for the salaries of the appointee whose appointment became ineffective.- The appointing authority shall likewise be liable for the payment of the salary of the appointee if the appointment is disapproved because the appointing authority has issued it in violation .of existing laws or rules, making the appointment unlawful."

Once a renewal appointment is disapproved by the Civil Service .Commission pursuant to the above-quoted provision the only remedy acceptable to the said commission is for this Court to issue a new appointment to the employee concerned to be spitted to the aforesaid Commission within thirty (30) days from the date of its issuance. However, such appointment inevitably causes a gap in the service of the employee concerned even if he has actually rendered continuous service in the court.

In view thereof, and in order to avoid the disapproval of renewal appointments due to late submission to the Civil Service Commission, henceforth, in the absence of a recommendation to the contrary, a renewal appointment shall be automatically issued by this Court to an employee one month before the expiration of his temporary appointment. However, such temporary appointment may be terminated anytime upon the recommendation of the Judge concerned based on valid and reasonable grounds.

For the information and guidance

August 13, 1992

(SGD.) ERNANI CRUZ PAÑO

Court Administrator

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