

Other Human Resource Actions RULE IV- ORAOHRA

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HUMAN RESOURCE ACTIONS

Book V Title I Subtitle A
Chapter V Section 26 (EO 292)

-any action denoting the
movement or progress of
personnel in the civil service

OTHER HUMAN RESOURCE ACTIONS (RULE IV- ORAOHRA)

- Reassignment
- Detail
- Designation

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions



Reassignment

movement across the organizational structure **without a reduction in rank, status, or salary**; requires issuance of an Office Order by the appointing officer

- Reassignment of employees with station-specific place of work **within the geographical location of the agency** shall be allowed only for a maximum period of one (1) year

Constructive dismissal exists when an official or employee quits his/her work because of the agency head's **unreasonable, humiliating, or demeaning actuations**, which render continued work impossible because of **geographic location, financial dislocation and performance of other duties and responsibilities inconsistent with those attached to the position**. Hence, the employee is deemed illegally dismissed.

This may occur although there is no diminution or reduction in rank, status or salary of the employee

Geographical location – area **within the jurisdiction of an agency.**

- NGAs, GOCCs, SUCS – central to regional office, main campus to satellite campus provided that the office of reassignment is existing in the organizational structure of the agency
- LGUs – area within the locality of an LGU where an employee may be reassigned from the Provincial/City/Municipal Hall to other areas within the locality provided that the reassignment is existing in the organizational structure of the LGU

Station Specific Appointment

An appointment is considered station-specific when:

- the particular office or station where the position is located is **specifically indicated on the face of the appointment paper**
- the **position title already specifies the station**, such as Human Resource Management Officer, Accountant, Budget Officer, Assessor, Social Welfare and Development Officer, and such other positions with organizational unit/station-specific function.

Reassignment that constitutes constructive dismissal may be any of the following:

- i. Reassignment of an employee to perform duties and responsibilities inconsistent with the duties and responsibilities of his/her position such as from a position of dignity to a more servile or menial job;
- ii. Reassignment to an office not in the existing organizational structure;
- iii. Reassignment to an existing office but the employee is not given any definite set of duties and responsibilities;

Reassignment that constitutes constructive dismissal may be any of the following:

- iv. Reassignment that will cause significant financial dislocation or will cause difficulty or hardship on the part of the employee because of geographic location
- v. Reassignment that is done indiscriminately or whimsically such as reassignment of employees twice within a year, or reassignment of career service officials and employees with valid appointments during change of administration of elective and appointive officials.

Reassignment that results in constructive dismissal must be sufficiently established.

- provide avenue for employees with no station specific appointment to request **recall of reassignment**;
- provide grounds that constitute indiscriminate and whimsical reassignment;
- include provision on reassignment of public health, social and school teachers and other professions covered by special laws; and
- **pending appeal**, reassignment shall **not be executory**.

JURISPRUDENCE ON REASSIGNMENT

PASTOR VS. EUSEBIO

[G.R. No.

**146873 May 9,
2002)**

PASTOR VS. EUSEBIO [G.R. No. 146873 May 9, 2002)

FACTS:

- PASTOR WAS APPOINTED AS CITY BUDGET OFFICER OF PASIG CITY IN 1986
- IN 1995 SHE WAS REASSIGNED AT THE CITY ADMINISTRATOR OFFICE PENDING INVESTIGATION OF HER ALLEGED ISSUANCE OF ADVISE OF ALLOTMENT WITHOUT SUFFICIENT CASH COLLECTION
- 1995, SHE QUESTIONED HER REASSIGNMENT

PASTOR VS. EUSEBIO [G.R. No. 146873 May
9, 2002)

FACTS:

- 1998 SHE WAS ISSUED ANOTHER MEMO REQUIRING HER TO CONDUCT STUDY OF OPERATION OF PASIG CITY HALL ANNEX
- THE CSC RESOLVED THE CASE IN FAVOR OF PASTOR
- SHE WAS ISSUED AN ORDER TO HEAD THE PASIG CITY HALL ANNEX. THE CSC INVALIDATED THE SAID REASSIGNMENT AND CLARIFIED ITS DECISION
- ON APPEAL TO THE CA- THE CITY OF PASIG WON

PASTOR VS. EUSEBIO [G.R. No. 146873 May 9, 2002]

It has been held that a reassignment that is indefinite and results in a reduction in rank, status, and salary is in effect a constructive removal from the service.²¹ In this case, contrary to the ruling of the Court of Appeals, petitioner's reassignment to different offices in the local government of Pasig City is indefinite. Petitioner has been on virtual floating assignments which cannot but amount to a diminution of her rank, hence impermissible under the law.²² As already noted, her reassignment began in 1992 with her detail to the Office of the (now) City Administrator pending investigation of reports that she had issued Advice of Allotments without sufficient cash collections. However, no investigation appears to have ever been conducted on the said charge. To justify her continuing reassignment, respondent City Mayor claimed that the same was "due to petitioner's long years of experience in finance" which especially fitted her for studies regarding the city's revenues.

PASTOR VS. EUSEBIO [G.R. No. 146873 May 9, 2002]

“Petitioner's reassignment to various offices should be considered more than merely a temporary one. For all intents and purposes, her reassignment, lasting nearly ten years now, is a removal without cause as Budget Officer of the City of Pasig. As head of the Pasig City Hall Annex, petitioner's budget proposals for the same will be subject to review by the City Budget Officer. Moreover, the position of City Budget Officer is created by statute, while that of the head of the Pasig City Hall Annex is created by mere ordinance.”

PASTOR VS. EUSEBIO [G.R. No. 146873 May 9, 2002)

“WHEREFORE, the petition is GRANTED and the questioned decision of the Court of Appeals is SET ASIDE. Respondent City of Pasig is ordered to forthwith REINSTATE petitioner Remedios Pastor to her original position as Budget Officer of the City of Pasig..”

RULE IV

Employment Status, Nature of Appointment and Other Human Resource Actions

Detail

temporary movement of an employee **from one department or agency to another** which does not involve a reduction in rank, status or salary.

- provide limit to period of detail to a **maximum of 3 years** (Section 5, Item b (3))
- detail without consent shall be allowed only for a period of one (1) year
- require that detail be covered by an agreement that such will not result in reduction in rank, status or salary (Section 5, Item b (4))

Designation

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

- perform the duties of another position on **concurrent** capacity or on full-time basis;
- designation in an **acting capacity or OIC**
- require LGUs to furnish CSCFO a copy of office order on designation to critical positions; and
- only experience gained from designations compliant with the rules shall be credited as relevant experience for purposes of appointment

Designation

- designation in an **acting capacity** - ministerial functions attached to the position but also the exercise of discretion since the person designated is deemed to be the incumbent of the position
- officials designated as **officer-in-charge** - enjoy limited powers which are confined to functions of administration and ensuring that the office continues its usual activities

- Designees can only be designated to **positions within the level they are currently occupying**
- Employees holding 1st level positions can not be designated to perform the duties of 2nd level positions *except in meritorious cases* as determined by the CSC Regional Office
- Designation may be made only for a maximum of one (1) year for positions without incumbent. May be renewed every year in the exigency of the service but *not to exceed two (2) years*.

- Require **LGUs to furnish CSCFO** within thirty (30) days upon its issuance a copy of office order on designation to critical positions in LGUs
- designees cannot be granted **the salaries of the positions** they are being designated to except allowances that go with the performance of the functions
- only experience gained from designations compliant with the rules shall be credited as relevant experience for purposes of appointment

**BUGAOISAN VS
OMBUDSMAN [G.R. No.
242005, June 26, 2019]**

BUGAOISAN VS OMBUDSMAN [G.R. No. 242005, June 26, 2019]

FACTS:

- Bugaoisan is the Chief of Hospital, Cortes Municipal Hospital (CMH), Cortes, Surigao del Sur
- He designated his wife (Nutritionist-Dietician), as Administrative Officer, Liaison Officer, Head of Internal Control Unit of CMH

BUGAOISAN VS OMBUDSMAN [G.R. No. 242005, June 26, 2019]

ARGUMENTS

- The positions are not included in the plantilla
- There is no additional compensation
- He did not appoint; he only designate his wife;
- He is in good faith

BUGAOISAN VS OMBUDSMAN [G.R. No. 242005, June 26, 2019]

RULING

Jurisprudence has it that for the purpose of determining nepotism, there should be no distinction between *appointment* and *designation*; otherwise, the prohibition on nepotism would be meaningless and toothless. Any appointing authority may circumvent it by merely designating, and not appointing, a relative within the prohibited degree to a vacant position in the career service. Indeed, what cannot be done directly cannot be done indirectly.

BUGAOISAN VS OMBUDSMAN [G.R. No. 242005, June 26, 2019]

RULING

The rule on nepotism does not require the existence of a government position in the *plantilla* of an organization for its application. Neither is a budgetary allocation therefor or that the appointee received benefits as a result of the appointment required before the rule on nepotism can apply. **The purpose of Section 59 which shines through the comprehensive and unqualified language in which it was cast and has remained for decades, is precisely to take out of the discretion of the appointing and recommending authority the matter of appointing or recommending for appointment a relative.** The Ombudsman pointed out that it was rather dubious why petitioner had to designate his wife to perform additional functions notwithstanding its non-existence in the *plantilla*. Indeed, there is no reason why said additional functions cannot be performed by other qualified employees who are not relatives of petitioner and thus, insuring his objectivity.

BUGAOISAN VS OMBUDSMAN [G.R. No. 242005, June 26, 2019]

RULING

Bugaoisan was found guilty of Grave Misconduct and was dismissed from the government service with all its inherent penalties.

