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MEMORANDUM

FOR : **J/SSUPT REBECCA B PAWID**
Director for Personnel Records Management

SUBJECT: Comment on the Draft Memorandum Circular that Prescribes the Guidelines, Policies and Procedures in the Detail of Personnel to Other Agencies and Units

DATE : 14 October 2015

1. Legal Service Office would like to extend its continuing support in this relentless endeavour to have a written procedural guidelines in the detail of personnel. In this light, this Office would like to interpose, with due respect and humility, our contribution by way of comment, through the following recommendations/suggestions:

a. The second paragraph of the Policy Statement was couched in this wise:

"While detail is a generally accepted principle in the civil service, primordial concern must be belaboured in advancing the career development of every personnel through the implementation of other schemes.

- We suggest to delete the underlined phrase to avoid any ambiguity as to what scheme is being referred to and implemented by the Jail Bureau.

b. In paragraph (f) of the subtitle Procedure was written in this manner:

"The Chief, BJMP shall then forward the request to the DILG for approval of Department Orders. Upon receipt of the DO, the DPRM shall issue the appropriate orders to the personnel concerned and he/she shall be directed to secure the following documents prior to his/her detail:

- a. Certificate of Non-Money and Property Accountability Clearance.
- b. Leave Credits breakdown/certification of Leave Credits.
- c. Certificate of No Pending Case."

- With due respect, the required approval of the DILG prior to its implementation must be deleted in order to further empower and not to compromise the exercise of administrative supervision and control of the Chief, BJMP over all personnel, which is very much subsumed to the powers of the SILG. The same can also be exploited by a well connected employee by merely avoiding the authority of the Chief, BJMP through the issuance of Department Orders by the DILG, thereby divesting the Chief of these inherent powers being the Chief.

- Not even the Civil Service Commission in its Revised Omnibus Rules on Appointments and Other Personnel Actions requires the issuance of Department Orders

NOTE: Received by JOE AURELIA

15 OCT 2015 (SEE LOGBOOK)

prior to its implementation, only office order by duly authorized official is required. Section 6 of Memorandum Circular No. 40, series of 1998, specifically states:

"Other Personnel Movements. The following personnel movements which will not require issuance of an appointment shall nevertheless require an office order by duly authorized official."

a. *Rassignment*

b. *Detail*

• Moreover, to divest the Chief, BJMP of these powers, will render paragraph (f) under Miscellaneous provision, ineffective and superfluous, quoted hereunder for easy reference:

"The Chief, BJMP shall retain the authority to reassign, transfer, terminate and recall the detail of the said personnel in the exigency and interest of service and/or for a cause."

c. It is also contained in the Miscellaneous provision the list of receiving agencies were limited only to three (3). In order to give the Chief, BJMP wide latitude of discretion, we suggest to expand the lists to four (4) as so written in the subtitle Applicability, which states:

"4. And those other Agencies/Units that shall request and/or be requested for detail of Bureau's personnel."

This modification is for prospective application in order not to compromise the exercise of the Chief, BJMP of its management prerogative, which we all know that the exercise of which is so encompassing and cannot be questioned beyond reproach by any person or agency if the exercise of the same is not tainted with malice or bad faith but in the furtherance of career progression of every personnel and pride of the Jail Bureau.

d. Finally, there appears to be a typographical error under paragraph (c) of the miscellaneous provision which contains the misspelled word "non-extendable", it must be non-extendible.

2. In light of the foregoing, may this comment be given consideration in the final draft of this Memorandum Circular.

3. Respectfully submitted.


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Chief, Legal Service Office