



MEMORANDUM

FOR : J/SSUPT REBECCA B PAWID
Director for Personnel and Records Management (PRM)

SUBJECT: Comment on the Proposed Guidelines, Policies, and Procedure in the Transfer/Reassignment of Personnel

DATE : 19 January 2016

1. It is one of the major thrust of the Jail Bureau to promote the general welfare and development of personnel,¹ especially so that it is one of the most sensitive issues among our field personnel, if not the primary, definitely secondary in the hierarchy of importance in the field. Thus, it is high time to issue this comprehensive guideline in order to deal with issues and problems in the transfer/reassignment of personnel.

2. However, in our view, under the “doctrine of qualified political agency”², being the alter ego of the President, we must take into consideration the powers of the Secretary of the Interior and Local Government (SILG) to designate Regional Disbursing and Budget Officers and Accountants as provided in the Department of the Interior and Local Government (DILG) Memorandum, dated June 6, 2008 which specifically provides:

“Relative thereto, you are hereby advised that the assignment of BFP and the BJMP regional disbursing and budget officers and accountants shall emanate from the Bureau Directorate for Comptrollership which has supervisory control over the Finance Service Unit, Cash Management, Accounting and Budget Divisions, and shall be approved by the Chief of the Bureau.” (emphasis ours)

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*However, it must be understood that the assignment of officers to the positions shall take effect only after the same is confirmed by the DILG Assistant Secretary for Finance and Comptrollership.”*³ (emphasis and underlining ours)

3. Correlatively, the power to designate/assign paralegal officers is vested solely with the Chief, BJMP upon recommendation of the Chief, Legal Service.⁴ The Legal Service Office is the most appropriate office, with due respect and utmost humility, to carry out the aspect of paralegal program of

¹2007 Revised BJMP Manual, Rule 1, Section 4(f)
²Villena vs. Secretary of the Interior and Local Government, 67 Phil 451, 463
³DILG Memorandum, dated June 6, 2008 (Designation of BFP/BJMP Regional Disbursing and Budget Officers and Accountants
⁴Rules and Regulations Implementing the Operation of the Bureau of Jail Management and Penology Paralegal Program, dated June 18 2012, Rule IV, Section 6

the Jail Bureau and not the National Placement and Selection Board (NPSB) or the Regional Placement and Selection Board (RPSB) as the case may be.

4. In like manner, health personnel are within the jurisdiction of the Health Service Office. To let health personnel be "deployed without coordination with the Health Service Office it will create a vacuum in the position."⁵

5. With these disquisitions, we may respectfully and humbly suggests to add under Rule V, Section 2.1., in this manner:

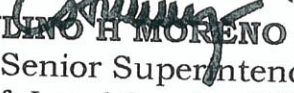
2.1.1. *"Except, Regional Disbursing and Budget Officers, Accountants, Paralegals and Health Officers, upon recommendation of the Regional and National Placement, Selection and Promotions Board in accordance with existing ranks and position classification system, staffing pattern of a particular unit, career progression and performance output, accomplishments and potential;"*

6. Likewise, if it is not too much to ask from your good office to include the pertinent provision of transfer as a penalty in lieu of suspension as stated in our administrative disciplinary machinery, which provides:

2.4.1. *"The disciplining authorities may, in lieu of suspension, impose the penalty of transfer to any erring BJMP personnel. However, only the Chief, BJMP may impose the penalty of transfer to a non-uniformed personnel."*⁶

7. In view whereof, may this comment/recommendation be given consideration in the final draft of this policy.

8. Respectfully submitted.


PAULINO H. MORENO JR.
Jail Senior Superintendent
Chief, Legal Service Office

⁵ Standard Operating Procedure No. 2014-03 re: Comprehensive Policy on Deployment and Reassignment of Health Personnel dated July 22, 2014