



REPUBLIC OF THE PHILIPPINES
BUREAU OF LOCAL GOVERNMENT FINANCE
DEPARTMENT OF FINANCE
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BLGF MEMORANDUM CIRCULAR NO. 10-005-2016
20 October 2016

TO : BLGF Regional Directors of this Bureau, Provincial, City and Municipal Treasurers and Others Concerned

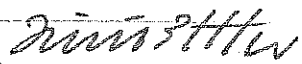
SUBJECT : Civil Service Commission (CSC) Opinion on the Notice of Separation of Local Treasurers

For the information and guidance of all concerned, attached is a copy of CSC-OLA Opinion No. 402 s. 2016 dated 26 September 2016, relevant portion of which reads as follows:

"Based on Section 94, RRACS, it is explicitly provided that a notice of separation relative to the dropping from the rolls of an employee shall be signed by the appropriate appointing authority or head of office. The provision of Section 94, RRACS should be read in relation to Section 470 (a) and (b) of the Local Government Code of 1991, such that a notice of separation shall be signed by the appointing authority only or his authorized representative (BLGF Executive Director). It must be emphasized that a head of office may not be the appointing authority of a certain position in the government service. Jurisprudence is replete with cases where the Supreme Court has time and again held that the power to appoint carries with it the power to remove or to discipline."

All BLGF Regional Directors are hereby directed to take note of the abovementioned opinion and disseminate the same to all provincial, city and municipal treasurers and assistant treasurers and to other offices concerned.

Please be guided accordingly.


NIÑO RAYMOND B. ALVINA
OIC Executive Director

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CSC-OLA Opinion No. 402, s. 2016

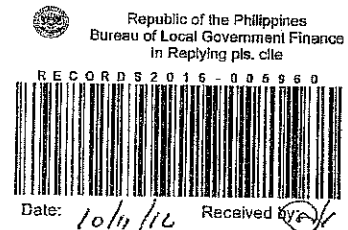
ALVINA, Niño Raymond B.

Re: Notice of Separation;
Section 94, RRACCS
(Query)
(O-2016-09053)

X-----X

26 September 2016

Niño Raymond B. Alvina
OIC Executive Director
Bureau of Local Government Finance
Department of Finance
8th Floor EDPC Building, BSP Complex
Roxas Blvd., 1004 Manila



Dear **Executive Director Alvina**:

This refers to your Letter dated August 15, 2016 seeking clarification of Section 94 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS), particularly on who will sign a notice of separation.

Part of your letter reads:

“By way of information, the authority to appoint local treasurers and their assistants was delegated by the Secretary of Finance to the BLGF Executive Director under Department Personnel Order No. 305-2000, dated 27 October 2000. By virtue of said delegation and pursuant to the afore-quoted provision, the BLGF Executive Director signs the Notice of Separation for Dropping from Rolls.

“In view of the foregoing, this Bureau wishes to be clarified if the phrase ‘appropriate appointing authority or head of office’ alternatively refer to the Secretary of Finance as the appointing authority of treasurers pursuant to Section 470 (a)¹ of the Local Government Code or to the local chief executive, considering that pursuant to Section 470 (b)² treasurers are under the immediate supervision of the latter.”

¹ Section 470. (a) The treasurer shall be appointed by the Secretary of Finance from a list of at least three (3) ranking, eligible recommendees of the governor or mayor, as the case may be, subject to civil service law, rules and regulations.

² Section 470. (b) The treasurer shall be under the administrative supervision of the governor or mayor, as the case may be, to whom he shall report regularly on the tax collection efforts in the local government unit.

In a R. A. C. E. to Serve: Responsive, Accessible, Courteous and Effective Public Service

Please be informed that as a matter of policy, the Commission refrains from rendering an opinion on matters that may be brought before it in the future by way of a complaint or an appeal.


Section 94, RRACCS provides, thus:

“Section 94. Written Notice; Who Signs. – The written notice mentioned in the preceding paragraphs may be signed by the person exercising immediate supervision over the official or employee. However, the notice of separation shall be signed by the appropriate appointing authority or head of office.”

Based on the above-quoted provision, it is explicitly provided that a notice of separation relative to the dropping from the rolls of an employee shall be signed by the appropriate appointing authority or head of office. The provision of Section 94, RRACCS should be read in relation to Section 470 (a) and (b) of the Local Government Code of 1991, such that a notice of separation shall be signed by the appointing authority only or his authorized representative³ (BLGF Executive Director). It must be emphasized that a head of office may not be the appointing authority of a certain position in the government service. Jurisprudence is replete with cases where the Supreme Court has time and again held that the power to appoint carries with it the power to remove or to discipline⁴.

We hope we have enlightened you on the matter.

Very truly yours,



ATTY. ARIEL G. RONQUILLO
Assistant Commissioner
Office for Legal Affairs

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³ Department Personnel Order No. 305-2000, October 27, 2000

⁴ Aguirre, Jr. vs. De Castro, G.R. No. 127631 December 17, 1999