

**[ CSC MEMORANDUM CIRCULAR NO. 24, May 26, 1992 ]**

**RULES IMPLEMENTING THE PROVISIONS OF REPUBLIC ACT NO. 7430, OTHERWISE KNOWN AS "AN ACT PROVIDING FOR OPTIMUM UTILIZATION OF PERSONNEL IN GOVERNMENT SERVICE THROUGH A SYSTEM OF ATTRITION, PROVIDING PENALTIES FOR VIOLATION THEREOF, AND FOR OTHER PURPOSES**

Pursuant to its *en banc* Resolution No. 92-691 dated May 26, 1992, the Civil Service Commission has adopted and promulgated the attached Rules (*see below*) Implementing the Provisions of Republic Act No. 7430.

The Rules were published in the *Philippine Daily Inquirer* on June 1, 1992 and will take effect fifteen (15) days thereafter.

Heads of Departments and agencies are enjoined to strictly comply with the provisions of said Rules.

Adopted: 4 June 1992

(SGD.) SAMILO N. BARLONGAY  
*Acting Chairman*

**RULES IMPLEMENTING THE PROVISIONS OF  
REPUBLIC ACT NO. 7430**

**Part I  
Policy and Application**

*SECTION 1. Title* — These Rules shall be referred to as the "Rules Implementing the Provisions of Republic Act No. 7430," otherwise known as "An Act Providing for Optimum Utilization of Personnel in Government Service through a System of Attrition, Providing Penalties for Violation Thereof, and for Other Purposes."

*SECTION 2. Declaration of Policy* — It is the policy of the State to give highest priority to measures that will promote morale, efficiency, integrity, responsiveness and progressiveness in the civil service. Towards this end, optimum utilization of personnel shall be assured through the institution of a system of attrition in government.

*SECTION 3. Coverage* — These Rules shall apply to all employees of all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations and their subsidiaries, except those

exempted under Section 3 of Republic Act No. 7430.

## **Part II**

### **Personnel Attrition Program**

*SECTION 4. Attrition and Exemptions* — Upon the effectivity of these Rules, and for five years thereafter, no appointment shall be made to fill vacant positions in any government office resulting from resignation, retirement, dismissal, death or transfer to another agency of an officer or employee, except in the following instances:

- a. Where the position is head of a primary organic unit such as chief of division;
- b. Where the position is the lone position in the organizational unit and it corresponds to a particular expertise that is intrinsic to the desired basic capability of the unit concerned;
- c. Where the positions are basic positions for the initial operations of newly created or activated agencies or, in the case of other agencies, where the positions are vital and necessary for the continued and efficient operation of said agencies;
- d. Where the positions are difficult to fill considering the qualifications required therefor, as in the case of doctors, lawyers and other professionals;
- e. Where the positions are found in agencies declared to be understaffed;
- f. Positions in Congress or in the Judiciary;
- g. Appointments or designations extended by the President;
- h. Where the positions are found in local government units;
- i. Teaching personnel; and
- j. Where the replacements come from existing employees.

*SECTION 5. Interpretation of Exemptions* — In the implementation of the exemptions covered in Section 4 of these Rules, the following interpretations are hereby adopted:

- a. The term **primary organic unit** mentioned in *Section 4(a)* shall refer to the first organizational subdivision, but not lower than a division or equivalent unit, as appearing in the approved organizational chart and plantilla of personnel of an agency, office, bureau, service, department of a corporation, state college or university and regional unit and other equivalent agency or instrumentality.
- b. The **lone position** mentioned in *Section 4(b)*, shall refer to a position appearing in the approved organizational chart or plantilla of personnel which requires a particular expertise and involves the performance of a particular responsible and substantive function. The absence of such position will adversely affect the desired basic capability of the unit. It includes such positions as lone accountant, lone dentist, and lone computer programmer.

c. **Basic positions** mentioned in *Section 4(c)* shall refer only to those positions as appearing in the approved position allocation list which the newly created or activated agency has proposed to fill up during the initial stage of its operation with the concurrence of the Civil Service Commission.

The initial stage of operation shall be six (6) months, counted from the date the agency received a copy of the approved position allocation list. Positions which remain unfilled after six (6) months shall no longer be considered basic positions.

**Newly-created agencies** as mentioned in *Section 4(c)* shall refer to agencies established pursuant to law after the effectivity of these Rules. **Newly activated agencies** shall refer to fully dormant or inactive agencies which have been operationalized after the effectivity of these Rules.

d. Positions which are **vital and necessary** as mentioned in *Section 4(c)* shall refer to those positions the non-filling of which shall seriously disrupt or adversely affect the operations of said office or agency.

e. Positions which are **difficult to fill** as mentioned in *Section 4(d)* shall refer to those positions which cannot be easily filled because high level of qualifications and expertise are required but candidates do not want to accept due to the following reasons, among others:

1. The compensation and other benefits provided for are neither attractive nor competitive with the private sector, or,
2. The place of assignment is not attractive because it is a high-risk area or for some other similar reasons.

These are positions which normally exhibit high turnover of incumbents.

f. An agency may be considered **understaffed** as mentioned in *Section 4(e)* when its present personnel complement can no longer achieve or sustain the efficient and effective delivery of services.

g. **Teaching personnel** as mentioned in *Section 4(i)* shall refer to teachers, instructors, professors, lecturers and others involved in actual teaching work in schools, colleges and universities.

h. **Existing employees** mentioned in *Section 4(j)* shall refer to all personnel in the career and non-career service who at the time of their appointment as "replacements" are still employed in the government except the following:

1. Those in Congress;
2. Those in Judiciary;
3. Those in local government units;
4. Those in the teaching force; and