



BUREAU OF CUSTOMS

MAKABAGONG ADUANA, MATATAG NA EKONOMIYA

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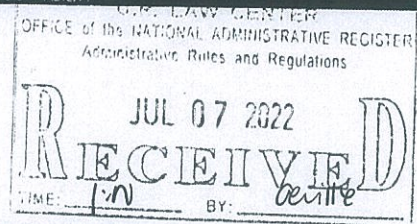


PROFESSIONALISM

INTEGRITY

ACCOUNTABILITY

CUSTOMS ADMINISTRATIVE ORDER (CAO)
NO. 06-2022



SUBJECT: ASSIGNMENTS, REASSIGNMENTS, AND DESIGNATIONS

Introduction. This Customs Administrative Order (CAO) implements Section 101 (g), Chapter 2 of Title I; Section 201 (f), Chapter 1, Sections 209 and 211, Chapter 2 of Title II, and other related provisions of Republic Act No. 10863, otherwise known as the Customs Modernization and Tariff Act (CMTA) in conjunction with Executive Order No. 292, also known as the Revised Administrative Code of 1987, Civil Service Commission (CSC) Amended Omnibus Rules on Appointment and other Human Resource Actions, and other laws, rules and regulations related to customs administration.

Section 1. Scope. This CAO covers all employees, including officials and Customs officers, of the Bureau of Customs.

Section 2. Objectives.

- 2.1. To ensure compliance with existing Civil Service laws, rules and regulations;
- 2.2. To adopt a competency and merit-based evaluation process for Assignment, Reassignment and Designation of Customs Personnel; and
- 2.3. To ensure that personnel actions are made only in the Interest or Exigency of the Public Service.

Section 3. Definition of Terms. For purposes of this CAO, the following terms shall be defined as follows:

- 3.1. **Absence** — shall refer to the failure of a customs employee to report to one's usual place of work during the regularly prescribed eight (8) hours of work a day, with or without leave.¹

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¹ cf. EO No. 292, Rule XVI as amended by CSC MC No. 41, s. 1998 and CSC No. 14, s. 1999.

- 3.2. Appointment in the Civil Service** — shall refer to the selection of a person who meets the requirements of the position in the Civil Service.
- 3.3. Career Employee** — shall refer to an employee holding a position in the civil service characterized by (a) entrance based on merit and fitness to be determined as far as practicable by competitive examination, or based on highly technical qualifications, (b) opportunity for advancement to higher career positions; and (c) security of tenure.²
- 3.4. Constructive Dismissal** — shall refer to a situation 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.³
- 3.5. Contract of Service** — shall refer to the engagement of the services of an individual, private firm, other government agency, non-governmental agency or international organization as consultant, learning service provider or technical expert to undertake special project or job within a specific period.⁴
- 3.6. Customs Officer** — as distinguished from a clerk or employee, shall refer to a person whose duty, not being clerical or manual in nature, involves the exercise of Discretion in performing the function of the Bureau. It may also refer to an employee authorized to perform a specific function of the Bureau as provided in the CMTA.⁵
- 3.7. Customs Officer Performing Assessment Functions** — shall refer to an officer exercising examination, valuation, classification

² cf. Executive Order No. 292, Book V, Title I, Subtitle A, Chapter 2, Section 7.

³ CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and Other Human Resource Actions dated July 03, 2018, Section 13, paragraph (a), subpar. (3).

⁴ CSC-COA-DBM Joint Circular No. 1, s. 2017, Section 5.1.

⁵ CMTA, Title I, Chapter 1, Section 102 (p).

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and computation of duties, taxes and other charges functions and other related functions.

- 3.8. Customs Personnel** — shall refer to employees appointed to casual, permanent, or coterminous positions in the Bureau of Customs and as such possess appointments to plantilla positions.
- 3.9. Designation** — shall refer to a movement that involves an imposition of additional and/or higher duties to be performed by a public official or employee which is temporary and can be terminated anytime at the pleasure of the appointing officer or authority. Designation may involve the performance of the duties of another position on a concurrent capacity or on full-time basis.⁶
- 3.10. Discretionary Functions** — shall refer to the functions of a public officer to make a decision based on his or her judgment within the bounds of reason and law.⁷
- 3.11. Executive Managerial Position** — shall refer to a position higher than a Division Chief, such as Deputy Collector of a large port (Salary Grade (SG) 25), District Collector (SG 25/26), Service Director (SG 27), and Deputy Commissioner (SG 28).⁸
- 3.12. First Level Position** — shall include clerical, trades and crafts, and custodial service positions which involve a non-professional or sub-professional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies.⁹ In the Bureau, these include employees with Salary Grades 1 to 10 and plantilla positions of Warehouseman III, SG-11, and Warehouseman IV, SG-13.
- 3.13. Hold-over Capacity** — shall refer to cases wherein the personnel may continue to perform the duties and functions of his or her present position until his or her successor has been appointed or designated.

⁶ CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13 paragraph (c).

⁷ cf. Black's Law Dictionary.

⁸ In accordance with the plantilla positions of the Bureau of Customs.

⁹ cf. Executive Order No. 292, Book V, Title I, Subtitle A, Chapter 2, Section 8 (a).

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- 3.14. Incompatible Offices** — shall refer to the inconsistency on the functions of two offices. The test of incompatibility is the character and relation of the offices: as where one is subordinate to the other, and subject in some degree to its revisory power; or where the functions of the two offices are inherently inconsistent and repugnant.¹⁰
- 3.15. Interest or Exigency of the Public Service** — shall refer to a situation where service is urgently needed and where any delay in its execution and delivery will adversely affect the outcome of the service to clients and its effective and efficient delivery.¹¹
- 3.16. Job Order** — shall refer to a piece work (pakyaw) or intermittent or emergency jobs such as clearing of debris on the roads, canals, waterways, etc. after natural or man-made disasters or occurrences and other manual or trades and crafts services such as carpentry, plumbing, electrical and the like. These jobs are of short duration and for a specific piece of work.¹²
- 3.17. Ministerial Function** — shall refer to a duty which an officer or tribunal performs in a given state of facts, in a prescribed manner, in obedience to the mandate of a legal authority, without regard to or the exercise of his own judgment upon the propriety or impropriety of the act done.¹³
- 3.18. Next-in-Rank** — shall refer to a position which by reason of the hierarchical arrangement of positions in the agency or in the government is determined to be in the nearest degree of relationship to a higher position as contained in the agency's System of Ranking Positions (SRP).¹⁴
- 3.19. Non-career Employee** — shall refer to an employee holding a position expressly declared by law to be in the non-career service, or those whose entrance in the service is characterized by (a) entrance on the bases other than those of the usual tests of merit and fitness utilized for the career service; and (b) tenure which is limited to the duration of a particular project for which purpose

¹⁰ cf. State ex rel. Metcalf v. Goff, 15 R.I. 505, 506 (R.I. 1887).

¹¹ cf. CESB Circular No. 6, s.2006, Section 1 (c).

¹² CSC-COA-DBM Joint Circular No. 1, s. 2017, Section 5.4.

¹³ cf. G.R. No. 157660 dated August 29, 2008, ELIGIO P. MALLARI vs. BANCO FILIPINO SAVINGS & MORTGAGE BANK

¹⁴ CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Glossary of Terms.

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employment was made. This shall refer to casual or coterminous employees.¹⁵

- 3.20. Officer-in-Charge (OIC)** — shall refer to an officer considered merely as a caretaker of the office while the regular incumbent is on leave of absence. An OIC does not possess the power to appoint, and if he does, such act is null and void ab initio. An Officer-in-Charge does not exercise powers involving discretion of the regular incumbent. The rights and privileges of the latter do not normally descend upon the former unless specifically indicated or stated in the designation.¹⁶
- 3.21. Organizational Structure** — shall refer to the structure which defines the roles and responsibilities of the members of the Bureau of Customs in the accomplishment and exercise of its core functions. It defines the chain of command between the superior officers and his or her subordinates within the Bureau.
- 3.22. Reassignment** — shall refer to the movement of an employee across the Organizational Structure within the Bureau of Customs, which does not involve a reduction in rank, status or salary and does not require the issuance of an Appointment.¹⁷
- 3.23. Second Level Position** — shall refer to professional or scientific positions which involve professional, technical or scientific work in a non-supervisory or supervisory capacity requiring at least four (4) years of collegiate work up to Division Chief level or Executive or Managerial level requiring a master's degree.¹⁸ In the Bureau, these include positions with Salary Grades 11 to 25, excluding Warehouseman III, SG-11 and Warehouseman IV, SG-13.
- 3.24. Staffing Pattern** — shall refer to the number and types of personnel assigned to a particular service, port, division, office or unit in the Bureau, as approved by the Department of Budget and allocated a budget under the General Appropriations Act.

15 cf. Executive Order No. 292, Book V, Title I, Subtitle A, Chapter 2, Section 9.

16 CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Glossary of Terms.

17 CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13 paragraph (a).

18 cf. Executive Order No. 292, Book V, Title I, Subtitle A, Chapter 2, Section 8 (b) as amended by CSC MC No. 13 s. 2011.

3.25. Supervisory Position — shall refer to a Section Chief (SG 18 to SG 20) or equivalent position, Supervising Customs Operations Officer (SG 22) or equivalent position up to Division Chief (SG 24) or equivalent position.¹⁹ Personnel under the Enforcement Group who are holders of the rank of Special Police Lieutenant and above and those under the Intelligence Group with plantilla positions of Intelligence Officer I (SG 11) and above shall be considered as personnel holding Supervisory Positions.

3.26. Station-specific Appointment — shall refer to an appointment when: (a) the particular office or station where the position is located is specifically indicated on the face of the appointment paper; or (b) the position title already specifies the position, such as Chief Accountant, Chief Tax Specialist, Chief Statistician, Chief Medical Officer, Dentist III and such other positions with organizational units or station-specific function. Such position titles are considered station-specific even if the place of assignment is not indicated on the face of appointment.²⁰

3.27. Third Level Position — shall include positions in the Career Executive Service,²¹ which generally require Career Service Executive Eligibility (CSEE) or Career Executive Service (CES) Eligibility and are appointed by the President. In the Bureau, Third Level Positions include the following: Collector of Customs VI, Director III, Assistant Commissioner of Customs, Deputy Commissioner of Customs and Commissioner of Customs.

Section 4. General Provisions.

4.1. The Organizational Structure must be prescribed by law or Presidential Issuance. The positions or offices/units attached to the Organizational Structure are regular positions/units. Regular positions/units are those with budgetary allocations.

The Commissioner, with the approval of the Secretary of Finance, may assign any employee of the Bureau to any port, service, division or office of the Bureau within the Bureau's Staffing Pattern or Organizational Structure: Provided, that such assignment shall not affect the employee's tenure of office nor

¹⁹ In accordance with the plantilla positions of the Bureau of Customs.

²⁰ CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, paragraph (a), subpar. (1).

²¹ cf. Executive Order No. 292, Book V, Title I, Subtitle A, Chapter 2, Section 8 (c) as amended by CSC MC No. 13 s. 2011.

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result in a change of status, demotion in rank and/or salary deduction.²² Assignment, Reassignment or Designation to regular positions exercising core or administrative functions of the Bureau shall be covered by a Customs Personnel Order (CPO).

The Commissioner may designate any employee to additional or other duties, membership in committees, or technical working groups, without need of approval by the Secretary of Finance. Such designation of additional duties shall only be for a limited period of time or upon accomplishment of the tasks, and shall be covered by a Customs Special Order (CSO). A Customs Memorandum Order (CMO) creating a committee, or technical working group defining its tasks shall be issued.

- 4.2.** All Assignments, Reassignments, and Designations shall be made in the Interest or Exigency of the Public Service and only in compliance with existing civil service rules and regulations.

All Designations shall be based on qualifications, competence, merit and fitness.

- 4.3.** No person appointed to a position in the non-career service shall perform the duties belonging to any position in the career service.²³ Employees to be designated should hold permanent appointments to career positions.²⁴

- 4.4.** No consultant, contractual, non-career employee, which include casual and coterminous employees, or detailed employee shall be designated or assigned to a position exercising control or supervision over regular and career employees, except as may be provided by law.²⁵

- 4.5.** Contract of Service and Job Order workers should not in any case, be made to perform functions which are part of the job description of the agency's existing regular employees.²⁶

²² CMTA, Title II, Chapter 2, Section 209.

²³ cf. CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 131.

²⁴ cf. CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, paragraph (c), subparagraph (1).

²⁵ cf. CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 132.

²⁶ CSC-COA-DBM Joint Circular No. 1, s. 2017, Section 7.2.

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- 4.6. Contract of Service and Job Order workers should not be designated to positions exercising control or supervision over regular and career employees.²⁷
- 4.7. Newly-hired employees, excluding Collectors of Customs, shall not be considered for Reassignment or Designation within a period of two (2) years from the date of assumption, except for cause or when there are no other available employees to fill in the positions, subject further to the express approval of the Secretary of Finance.
- 4.8. In any Assignment or Reassignment where no specific position is identified, the functions of the position to which the personnel is appointed to shall be exercised, unless it is impossible for said personnel to exercise the functions of his or her position in the office or unit to which he or she is assigned.
- 4.9. In no case shall a personnel with a lower plantilla position exercise supervision over a personnel with a higher plantilla position.
- 4.10. All personnel who are covered by a Customs Personnel Order shall assume his or her new position pursuant to Section 4.13.1 (c) herein. The qualified Next-in-Rank shall assume as the Officer-in-Charge of the position in the port, service, division, office, or unit left vacant by virtue of the reassignment, unless another employee is assigned to such vacated position. However, if there is no qualified Next-in-Rank, the incumbent employee shall remain and continue to discharge the functions of his or her position in Hold-over Capacity until his or her successor shall have assumed.

In unforeseen circumstances and/or emergencies when it is not possible for an incumbent to remain in the position in Hold-over Capacity (i.e., cases of death, suspension, family emergencies, etc.), the Next-in-Rank, whether he or she has met the minimum qualification, may be designated as Officer-in-Charge.

- 4.11. Reassignment and Designation are separate personnel actions, but an employee may be reassigned and designated at the same time. In the latter case, the rules and regulations for both personnel actions as herein prescribed must be complied with.
- 4.12. All employees who shall be affected by any Reassignment or Designation shall be reassigned or designated to an available

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²⁷ CSC-COA-DBM Joint Circular No. 1, s. 2017, Section 7.3.

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position commensurate to the functions of his or her plantilla position.

4.13. Reassignment shall either be with or without consent of the employees.

4.13.1. Reassignment with consent pertains to Reassignment resulting from personal applications for valid reasons which shall be governed by the following rules:

- a. The comment of the chief or head of the receiving and releasing group, service, office, division, or port shall be secured by the applicant.
- b. The Reassignment shall last until revoked except for the personnel referred to in Section 4.15. who shall, in no case, remain in the same assignment for more than three (3) years.
- c. The employee shall assume the new assignment within ten (10) working days upon personal receipt of the Order.

4.13.2. Reassignment without consent shall cover those resulting from the regular mandatory Reassignment every three (3) years of specific Customs Officers referred to under Section 4.15 herein and those resulting from recommendations or directives of higher authorities for valid reasons. A Reassignment of this nature shall be governed by the following rules:

- a. Reassignment is presumed to be regular and made in the Interest or Exigency of the Public Service, unless proven otherwise or if it constitutes Constructive Dismissal. Reassignments that result in Constructive Dismissal must be positively and sufficiently established.²⁸

Reassignment that constitutes constructive dismissal may be any of the following:²⁹

- i. Reassignment of an employee to perform duties and responsibilities inconsistent with the duties

²⁸ CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, paragraph (a), subparagraph 3.

²⁹ CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13 paragraph (a), subparagraph 3.

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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;
 - iv. Reassignment that will cause significant financial dislocation or will cause difficulty or hardship on the part of the employee because of geographic location; or
 - v. Reassignment that is done indiscriminately or whimsically because the law is not intended as a convenient shield for the appointing/disciplining officer to harass or oppress a subordinate on the pretext of advancing and promoting public interest 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.
- b. Reassignments may be made from one service to another, from one division to another, within the same collection district, or to another collection district within the same region or to another collection district in another region, in accordance with the Employee Reassignment Plan (ERP) to be designed by Human Resource Management Division (HRMD).

The employee may appeal the reassignment order within fifteen (15) days upon receipt thereof to the Commission or CSC Regional Office (RO) with

jurisdiction, as provided under specific law, if he/she believes there is no justification for the reassignment. Pending appeal, the reassignment shall not be executory. The Decision of the CSC RO may be

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further appealed to the Commission within fifteen (15) days from receipt thereof.³⁰

- c. The employee who does not appeal his or her reassignment must assume the new assignment within ten (10) working days upon personal receipt of the Order, unless he or she is in Hold-over Capacity as provided for under Section 4.10 of this CAO. Failure to do so shall be a ground for the filing of an administrative case against the employee.
- d. One-way transportation and freight allowance for reasonable and necessary baggage and household effects, shall be paid from the appropriation for travel expenses of the Bureau.³¹

Baggage and household effects may include motor vehicles provided said baggage and household effects do not exceed 3,000 kilos.³²

- 4.14.** Reassignment of employees holding appointments with station-specific place of work indicated in their respective appointments within the geographical location of the agency shall be allowed only for a maximum period of one (1) year. The restoration or return to the original post or assignment shall be automatic without the need of any Order of restoration or revocation of the Order of Reassignment.³³

If an appointment is not station-specific, the one (1) year maximum period of Reassignment within the geographical location of the agency shall not apply. However, the employee concerned may request a recall of the Reassignment citing his or her reasons why he or she wants to go back to his or her original station. The Reassignment may also be revoked or recalled by the appointing officer or authority or be declared not valid by the Civil Service Commission or a competent court, on appeal.³⁴

³⁰ CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13 paragraph (a), subparagraph 4.

³¹ cf. Presidential Decree No. 1177, Section 81; Executive Order No. 292, Book VI, Chapter 7, Section 74.

³² cf. COA Dec. 79-199

³³ cf. CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, paragraph (a), subparagraph (1).

³⁴ cf. CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, paragraph (a), subparagraph (2).

4.15. The following Customs Officers shall be mandatorily reassigned every three (3) years, unless sooner reassigned:

4.15.1. District Collectors, Deputy District Collectors and Subport Collectors; and

4.15.2. Customs Officers Performing Assessment Functions;³⁵

The reassignment of Customs Officers enumerated in Sections 4.15.1 shall be outside of the Collection District where they are currently assigned, subject to Section 4.14 of this CAO.

The reassignment of Customs Officers enumerated in Section 4.15.2. of this CAO shall be either outside of the Collection District or to another division within the port but not performing assessment functions, subject to Section 4.14 of this CAO.

4.16. All Designations shall be based on qualifications, competence, merit and fitness.

4.17. Designations of Customs Personnel shall be governed by the following rules:

4.17.1. Employees to be designated should hold permanent appointments to career positions.³⁶

4.17.2. A detailed employee shall not be designated to a position exercising control and supervision over regular and career employees of the receiving agency.³⁷

4.17.3. Designees can only be designated to positions within the level they are currently appointed to. Employees holding First Level Positions cannot be designated to perform the duties of Second Level Positions except in meritorious cases as determined by the CSC Regional Office upon request for exemption by the agency concerned, such as organizational set-up, calamity, and due to exigency of the service. This exception shall not apply to positions involving supervisory and executive managerial functions. Only Division Chiefs or higher may be designated to perform the duties of Second Level

³⁵ cf. CMTA, Title II, Chapter 1, Section 201(f)

³⁶ cf. CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, paragraph (c), subparagraph (1).

³⁷ cf. CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, paragraph (b), subparagraph (7).

executive or managerial or Third Level Positions.³⁸ Provided further, that only holders of Supervisory Positions with SG 20 up to SG 23 may be designated as Division Chiefs.

4.17.4. Multiple or Concurrent Designations involving Incompatible Offices shall not be allowed.

4.17.5. Designation to a higher position or ad hoc unit shall be in an Acting capacity. Officers designated in Acting capacity may discharge all the powers and functions of the position, while officers designated as Officer-in-Charge (OIC) may only discharge Ministerial Functions of the position and may not exercise Discretion.

A Designation in an Acting capacity entails not only the exercise of the 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.³⁹

4.17.6. Officials designated as Officer-in-Charge (OIC) enjoy limited powers which are confined to functions of administration and ensuring that the office continues its usual activities. The OIC may not be deemed to possess the power to appoint, reassign or designate employees as the same involves the exercise of Discretion which is beyond the power of an OIC, unless the Designation Order issued by the proper appointing officer or authority

expressly includes the power to issue appointments, reassignments or designations.⁴⁰

4.17.7. For positions with incumbents who temporarily cannot perform the duties of the position (due to vacation or sick leave, study leave, scholarship, maternity leave, special assignments), the Next-in-Rank personnel within the division or office shall automatically and temporarily discharge the duties of the incumbent official as Officer-in-Charge (OIC), unless a CPO is issued designating another qualified officer to the position. The Designation

³⁸ cf. CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, paragraph (c), subparagraph (2).

³⁹ cf. CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, (c) 2nd paragraph.

⁴⁰ cf. CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, (c) 3rd paragraph.

should be synchronized with the Absence of the incumbent, unless earlier revoked or recalled by the appointing officer or authority. However, the Designation of the employees may be renewed every year in the exigency of the service but not to exceed two (2) years.⁴¹

In the case of a District Collector, the most Senior Deputy District Collector (or Support Collector⁴²) pursuant to the definition of Section 4.19.8 shall be the Officer-in-Charge of the District. Should there be no Deputy District Collector, the District Collector shall designate, in writing, a Senior Ranking Customs officer as Officer-in-Charge of the District. If there are two (2) or more Senior Ranking Customs Officers, the provision of Section 4.19.8 shall apply. The District Collector shall report such Designation of OIC to the Commissioner within twenty-four (24) hours.⁴³

In case the Absence will be prolonged, or a real vacancy eventually occurs, evaluation of candidates for Designation shall be in accordance with the rules and regulations of this CAO.

4.17.8. Seniority in the Bureau shall be determined in the accordance with the following hierarchical order:

- a. Personnel holding the higher plantilla position;
- b. Personnel with the same plantilla position but appointed earlier;
- c. Personnel with the same plantilla position and date of appointment but with longer length of service in the Bureau;
- d. Personnel with the same plantilla position, date of appointment and length of service in the Bureau but with longer length of service in the Government;
- e. Personnel with the same plantilla position, date of appointment, length of service in the Bureau and length of service in the Government but more senior in age.

⁴¹ cf. CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, paragraph (c), subparagraph (3).

⁴² cf. CMTA, Title II, Chapter 2, Section 207.

⁴³ cf. CMTA, Title II, Chapter 2, Section 211.

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4.17.9. For a position without an incumbent (unfilled plantilla position) or a position in an ad hoc office (without plantilla position), a Designation in Acting capacity may be made only for a maximum of one (1) year. However, the Designation of an employee may be renewed every year in the exigency of the service but not to exceed two (2) years.⁴⁴

4.17.10. Personnel to be designated to higher positions must possess the minimum qualifications of the position to which he or she is to be designated in terms of education, civil service eligibility, training, and experience.

The Bureau shall develop and implement a Competency-based Human Resource Management which will specify the required competencies, learning interventions, among other related areas, for the positions in the Bureau.

4.17.11. Designees cannot be granted the salaries of the positions they are being designated to. However, allowances that go with the performance of the functions such as RATA (Representation Allowance Transportation Allowance) or EME (Extraordinary and Miscellaneous Expenses) may be granted as provided under the provisions of the General Appropriations Act (GAA); Provided, the grant of the same is specifically stated in the Designation Order and

subject to auditing and accounting rules and regulations.⁴⁵

4.18. In all cases of Reassignments and Designations, proper turnover of all accountabilities shall be complied with.

4.19. The Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018 shall apply suppletorily.

Section 5. Operational Provisions.

5.1. At the end of every quarter, HRMD shall generate the list of Customs Personnel with expiring Designations or Reassignments

⁴⁴ cf. CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, paragraph (c), subparagraph (4).

⁴⁵ CSC Resolution No. 1800692, Amended Omnibus Rules on Appointment and other Human Resource Actions dated July 03, 2018, Section 13, paragraph (c), subparagraph (7).

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and shall prepare and submit to the Commissioner the corresponding CPOs for consideration and approval.

For those Customs Personnel falling under Section 4.13., the HRMD shall prepare the recommendation for Reassignment in accordance with the design of the ERP to the Commissioner.

- 5.2. Application and recommendations for Reassignment under Section 4.13.1 and Designations under Section 4.19. shall be processed by the concerned Administrative Division or HRMD in accordance with the rules herein prescribed.
- 5.3. CPOs shall be issued by the Commissioner of Customs and submitted to the Secretary of Finance for approval. CPOs without the approval of the Secretary of Finance are invalid and without effect. Once signed, the corresponding CPO shall be prepared and numbered by the HRMD.
- 5.4. The Bureau shall immediately furnish the DOF with a copy of the numbered CPO, including the assumption report.
- 5.5. The HRMD and Administrative Division or equivalent unit in the District shall monitor and keep track of the period of validity of all Assignment, Reassignment and Designation Orders and shall take appropriate action thereon.
- 5.6. The Administrative Division of each District and equivalent unit of the group or service shall furnish the HRMD with the Certificate of Assumption of the reassigned or designated employee.
- 5.7. Any willful or intentional violation of this CAO shall be a ground for the filing of an appropriate administrative or criminal case against the responsible officers before the appropriate body.

Section 6. Transitory Provision. Within one (1) month from the effectivity of this CAO, the HRMD shall submit to the Commissioner and Deputy Commissioner, IAG the list of all personnel enumerated under Section 4.15 and 4.16 who have already stayed in their present position for three (3) years or more.

Section 7. Periodic Review. Unless otherwise provided, this Order shall be reviewed every three (3) years and be amended or revised, if necessary.

Section 8. Authority to Issue Additional Rules and Regulations. The Commissioner of Customs may issue additional rules and regulations to further implement this CAO.

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Section 9. Repealing Clause. This repeal CMO Nos. 31-2008, 29-2008, 32-2007, 03-2006, 17-2006 and other Orders inconsistent with this CAO.

Section 10. Separability Clause. If any part of this CAO is declared unconstitutional or contrary to existing laws, other parts not so declared shall remain in full force and effect.

Section 11. Effectivity. This CAO shall take effect thirty (30) days after its publication at the Official Gazette or a newspaper of national circulation.

The Office of National Administrative Register (ONAR) of the UP Law center shall be provided three (3) certified copies of this CAO.

REY LEONARDO B. GUERRERO
Commissioner of Customs

Approved:

CARLOS G DOMINGUEZ
Secretary of Finance
JUN 27 2022



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Margaret G. Manalaysay
MARGARET G. MANALAYSAY
Administrative Officer V

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