



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF FINANCE
BUREAU OF CUSTOMS
MANILA

CUSTOMS MEMORANDUM ORDER
NO. 30-94

TO : All Officials and Employees
of the Bureau of Customs

SUBJECT : Merit Promotion Plan

Pursuant to the provisions of Section 32, of the Omnibus Rules Implementing Book V of Executive Order No. 292, otherwise known as the "Adm. Code of 1987", Resolution No. 83-348 promulgating the revised rules on promotion, CSC Memorandum Circular No. 18, s. 1989 and Memorandum Circular No. 38, s. 1989, this Merit Promotion Plan for the Bureau of Customs is hereby established for the information and guidance of all concerned.

I - OBJECTIVES

It shall be the policy of the Bureau of Customs to strictly adhere to the merit and fitness principle in the selection of employees for the promotion to career positions on the basis of their qualifications and competence to perform duties and assume the responsibilities of a vacant position. Towards this end, this Merit Promotion Plan aims to -

1. establish a promotion system that is characterized by strict observance of the merit and fitness principle in the selection of employees for promotion to a higher position in the career service;
2. create equal opportunities for advancement to all qualified and competent employees in the Bureau; and
3. provide a guide for the speedy and fair adjudication of protests of aggrieved employees against promotions.

II - SCOPE

This Merit Promotion Plan shall cover all positions in the Bureau classified under the first and second levels of the career service.

III - DEFINITIONS OF TERMS

Career Service is a category in the Philippine Civil

Service characterized by (1) entrance to the position based on merit and fitness to be determined as far as practicable by competitive examinations, or based on highly technical qualifications; (2) opportunity for advancement to higher career positions; and (3) security of tenure.

First Level Positions shall include clerical, trades, crafts, and custodial service positions which involves non-professional or sub-professional work in a non-supervisory or supervisory capacity and requiring less than four years of collegiate studies.

Second Level Positions shall include professional, technical, or scientific positions which involve professional, technical, or scientific work in a non-supervisory or supervisory capacity and requiring at least four years of college studies, up to Division Chief level.

Promotion means the advancement of an employee from one position to another with an increase in duties and responsibilities as authorized by law and usually accompanied by an increase in salary.

Merit Promotion is a systematic method of selecting employees for promotion based on their relative qualifications and their fitness and ability to perform the duties and assume the responsibilities of the position to be filled.

Next-In-Rank Position refers to a position which, by reason of hierarchical arrangement of positions in the Bureau, is in the nearest degree of relationship to a higher position, taking into account the following:

1. Organization structure as reflected in the approved organization chart;
2. Classification and/or functional relationship of positions;
3. Pay and/or range allocation; and
4. Geographical location.

Functional Relationship shall mean the correlation between the position to be filled and the position to be considered next-in-rank taking into consideration the duties and responsibilities of both position.

Geographical Location shall mean the location of the position to be filled and position/s to be considered next-in-rank to the same. If the position to be filled is in the first level, the determination of the next-in-rank position may be limited in a particular Region/Office/Department/Bureau where the position is.

For second level position, however, the determination of the next-in-rank position should be on an agency-wide basis regardless of the location of the position.

Qualified Next-In-Rank refers to an employee appointed on a permanent basis to a position previously determined to be next-in-rank to the vacancy proposed to be filled and who meets the requisites for appointment thereto as previously determined by the appointing authority and approved by the Commission.

Promotional Line-up is a listing of incumbents of next-in-rank positions to a vacant position proposed to be filled who are competent and qualified, including those not deemed next-in-rank but are also considered competent and qualified, if any, together with all necessary information about each incumbent.

Open Position refers to those positions that do not have any positions next-in-rank, or residual positions of each level or group which may be filled by lateral/vertical entry.

Appropriate Civil Service Eligibility is the eligibility which results from a civil service examination given by the Civil Service Commission, or with its assistance or coordination, which by its very nature measures skills, knowledge, talent and aptitude essential to the performance of the duties and responsibilities of a particular position or group of positions or which by specific provisions of law or by declaration of the Civil Service Commission is suitable for the position to be filled. (A civil service eligibility resulting from a bar or board examination is appropriate for positions requiring knowledge of the corresponding profession).

Highly Technical Qualification shall refer to the possession of qualifications for a position which exceeds those of the qualification standards established by the Bureau and approved by the Civil Service Commission and which are superior to the qualifications of qualified insiders or of employees belonging to the organizational unit, (MC#650, 21 July 1973, Office of the President).

Qualifications Standards is a statement of the minimum qualifications for a position which shall include education, experience, training, civil service eligibility, and physical characteristics and personality traits required of the job.

Insider is an employee of the Bureau of Customs, whether permanent or temporary.

Outsider is a prospective entrant to the Bureau of Customs, whether by transfer from other government agencies, by reinstatement or by re-employment, or a new entrant to the government service.

IV - POLICIES

1. Whenever a position in the first level becomes vacant, the employees in the Bureau who occupy positions deemed to be next-in-rank in the occupational group under which the vacant position is classified and in other functionally related occupational groups, and who are competent, qualified and with the appropriate civil service eligibility shall be considered for promotion.

2. Whenever a position in the second level becomes vacant, the employees in the government service who occupy positions deemed next-in-rank in the occupational group under which the vacant position is classified and in other functionally related occupational groups, and who are competent, qualified and with the appropriate civil service eligibility shall be considered for promotion.

3. In determining next-in-rank positions, as wide an area of selection as possible within the Bureau shall be made. In no instance, however, shall a position in the first level be considered next-in-rank to a position in the second level.

4. All employees within the Bureau, whether incumbent of next-in-rank positions or not, who meet the minimum education and experience requirements of the vacant position and who possess the appropriate civil service eligibility shall be considered for promotion.

5. In the event of changes in the organization structure or occupational grouping, the line of promotion shall be determined on the basis of the new organizational structure or occupational grouping.

6. The appointing authority may promote an employee who is not next-in-rank but, who possesses superior qualification and competence compared to a next-in-rank employee who merely meets the minimum requirements for promotion to the position.

7. In filling any new position, except at the lowest level, existing positions in the Bureau which are similar or allied to the new position shall be considered next-in-rank to the position.

8. Similarly, as broad, an organizational area of selection as possible within the Bureau shall be made in selecting competent and qualified employees for promotion to enhance mobility, professionalism, creativity, potentiality and achievement, giving due consideration to civil service and other awards for outstanding accomplishment. Such area should not be artificially restricted by section or division lines, except when such restriction is demonstrably in the interest of the customs service as a whole. At the same time, for reasons of equity and morale, the best qualified next-in-rank employees within the organizational unit where the vacancy is, all circumstances being comparatively equal or at par, shall be given preference for promotion to the vacant position.

9. All candidates for promotion shall be screened by the Selection Board. The Selection Board shall be responsible for the adoption of a formal screening procedure and formulations of criteria for evaluation of candidates for promotion.

Reasonable and valid standards and methods of evaluating the qualifications and competence of all employees competing for promotion to the same position shall be established and applied fairly and consistently.

The Selection Board shall have the following composition pursuant to MC# 18, s. 1988 as amended by MC# 38, s. 89.

a) An official of the Bureau directly responsible for personnel management;

b) A representative of management;

c) A representative of the organization unit which may be service/port where the vacancy is;

d) Two (2) representatives of the rank and file employees, one from the first level and one from the second level who shall be both be chosen by the duly accredited employee association in the Bureau. The former shall sit during the screening of candidates for vacancies in the first level, while the latter shall participate in the screening of candidates for vacancies in the second level.

In case there is no accredited employee association in the Bureau, the representatives shall be chosen at large by the employees through general election to be called for the purpose.

10. Lack of confidence shall not be considered as reason enough or basis for disqualifying an employee from promotion. The reason or basis must be real and substantial to be considered sufficient for an employee's

disqualification.

11. A voluntary waiver for promotion to a vacant position executed by an employee holding a next-in-rank position shall be extended a presumption of regularity and shall be accepted on its face under the cardinal principle that no employee can be compelled to accept a promotion.

12. Reasonable and valid standards and method of evaluating the qualification and competence of all employees competing for promotion to the same position shall be established and applied fairly and consistently.

13. An employee who has a pending administrative case shall be disqualified for promotion during the pendency thereof. If found guilty, he shall be disqualified for promotion for a period based on the penalty imposed as prescribed by the Commission.

A pending Administrative Case shall be construed as follows:

a) When the appointing authority has already filed a formal charge; or

b) In case of a complaint of private person, a prima facie case is already found to exist by the disciplining authority.

14. Policy on Promotion of customs employee who are on scholarship grant pursuant to MC#15, s. 1992;

a) Employees who are incumbents of next-in-rank position who meet the qualification requirements for the position to be filled and who are on scholarship grants either here or abroad may be considered for promotion.

b) For purposes of promotion, the performance rating of the employee for the last rating period prior to the scholarship grant shall be used as the basis for the promotion. Such performance rating should at least be Very Satisfactory.

c) Academic standing as a factor in the consideration for promotion; date of a assumption to duty, effectivity of promotion and others, may be subject to a collective negotiation by duly accredited association, if any. In the absence of a duly accredited employee association, the head of the Bureau may create a committee with a representative of the rank and file employees to decide on the matter.

V - PROCEDURE ON PROMOTIONS

1. Whenever a vacancy or vacancies exists in the first and/or second level positions, the HRMD (Human Resource

Management Division) shall send to the Director III/District Collector concerned a list of such vacancies, together with the qualification requirements for promotion/appointment to the vacant position(s). The same will have to be posted in three (3) conspicuous places in the Bureau for a period of ten (10) days in accordance with CSC MC No. 27, s. 1991 (Rules Implementing RA 7041, Requiring the Regular Publication of Existing Vacant Positions in Government Offices).

2. The Director III/District Collector shall as soon as possible submit to HRMD a list of employees occupying next-in-rank positions to the vacancies in his service/district whom he considers competent and qualified and who possess the appropriate civil service eligibility, stating their respective qualifications. He may indicate the employee whom he recommends for promotion, stating the reasons for his choice.

3. Upon receipt of the list submitted, and on the basis of ranking positions and the personnel qualifications index, the Human Resources Management Officer shall identify other employees in the Bureau who occupy next-in-rank positions and deemed qualified and competent for promotion to the vacant position. Taking into consideration the established qualification standard/job requirements of the vacant position and the provisions of this Merit Promotional Plan, the HRMD shall make a preliminary evaluation of the individual qualifications of the candidates and submit a promotional line-up to the Promotion Board which shall be created for this purpose.

4. In the preparation of the promotional line-up, the initial step to be taken shall be to draw up a consolidated list of incumbents of next-in-rank position who are deemed qualified and competent for promotion to the vacant position. The list shall contain information of their education and training, civil service eligibility, performance rating, experience and outstanding accomplishments, physical characteristics, personality traits and potential, and length of service in the Bureau. In this connection, the following shall be observed:

a. If only one employee is next-in-rank to the vacant position and he meets all the requirements and other conditions or promotion thereto, he shall be the one to be considered for promotion.

b. If two or more employees are next-in-rank to the vacant position, the most competent and qualified among them who possesses the appropriate civil service eligibility shall be the one(s) to be considered for promotion.

c. When the degree of competence and qualifications are equal among several candidates, preference shall be

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given the candidates belonging to the service or the port/support where the vacancy exists.

d. When all promotional factors have been taken into account and the candidates still stand under equal footing preference shall be given to the most senior.

In determining seniority, length of service in the particular work involved shall be considered first. When the candidates are equal in this respect, then the length of service in the Bureau shall be reckoned with, and when the competing candidates are still equal under the latter circumstance, length of service in other government agencies shall be counted: Provided, That in determining seniority among candidates who have equal length of service in the government, only work experience relevant to the position to be filled shall be included in the computation.

Seniority shall be limited to continuous period of service. Provisional or Temporary service shall not be included in the computation. However, a break in ones service for not more than one year due to reduction in force shall not affect the continuity of such service.

5. In the evaluation and determination of the degree of competence and qualifications of the candidates, the following factors shall be taken into account and compared:

a. **Performance-** This shall be based on the last performance rating of the employee. No employee however shall be considered for promotion unless such performance rating is at least very satisfactory.

b. **Education and/or Training-** These shall include educational background and successful completion of training courses, scholarships, training grants and others. Such education and training must be relevant to the duties of the position to be filled.

c. **Experience and Outstanding Accomplishments-** These shall include occupational history, work experience relevant to position to be filled, and accomplishments worthy of special commendation.

d. **Physical Characteristics and Personality Traits-** These refers to the physical fitness, attitude and personality traits of the individual which must have a bearing on the position to be filled. Personality traits may include but not limited to tact, imagination, innovativeness, discretion, impartiality and professionalism.

e. **Potential-** This takes into account the employee's capability not only to perform the duties and assume the responsibilities of the position to be filled but also those of higher and more responsible positions in the line of

promotion, the prediction to be based on factors A to D above.

6. After receipt of the promotional line-up, the Selection Board shall undertake further evaluation of the qualifications of the candidates taking into account the factors mentioned in Section 4 and 5 above as well as the objectives and policies laid down in its Merit Promotion Plan. Any employee next-in-rank who considers himself competent and qualified for promotion to the vacant position being considered to be filled may file a timely written application for consideration direct with the Selection Board for assessment.

7. The Selection Board shall then determine en banc and certifies to the Commissioner of Customs not more than five (5) candidates who, in its systematic and objective assessment are the best qualified and competent for promotion, in alphabetical order, together with the basis of their recommendation.

8. After assessing the merits of the recommendation of the Selection Board, the Commissioner of Customs then selects the employee whom he considers the most qualified and competent for promotion to the vacant position.

However, the Commissioner of Customs may promote an employee who is not next-in-rank but possesses superior qualifications and competence compared to a next-in-rank employee who merely meets the minimum requirements for promotion to the vacant position. In the same vein, while the next-in-rank rules shall be initially considered in making promotions to Division Chief or equivalent position level, the Commissioner of Customs in consultation with or upon the recommendation of the Selection Board, if necessary and so as to choose only the most competent and best qualified i. e., the best and brightest, may go into a deep selection process in selecting the employee who shall be promoted to such positions.

9. As soon as the promotional appointment is signed and issued, a notice announcing the promotion shall be posted by the HRMD on the Bulletin board of the Bureau. A copy thereof shall be promptly sent to the organizational unit or customs district/port or subport where the position to be filled exists for immediate posting on their bulletin board.

Immediately thereafter, HRMD shall in writing inform the qualified next-in-rank employee(s) not selected, of the appointment of the employee who was selected for promotion, stating the special reason or reasons therefor. For record purposes, HRMD shall see to it that such notices are received and properly acknowledged by the employee(s) concerned. The Selection Board shall maintain records of deliberations which shall be available for inspection by the

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Civil Service Commission or its duly authorized representatives.

VI - CONTESTED APPOINTMENTS

1. Who may file protest- Only qualified next-in-rank employees who were not considered for promotion to the vacant position being filled and who feels aggrieved by the final action taken may file a protest with the Head of the Bureau.

2. Form and contents of protest- A protest shall be written in clear, simple language, in a systematic manner, and shall have a caption as shown in the attached sample. The aggrieved party shall be called the "Protestant" and the proposed appointee, the "Protestee": Provided: that where the Commissioner of Customs after evaluation finally decides in favor of the protestant, the protestee who decide to file his protest shall be called the "Protestee-Appellant" and the former protestant, the "Protestant-Appellee". The protest shall contain the following:

a) The position contested including its item number and the salary per annum of both the protestant and the protestee;

b) The full name, office, position and salary per annum of both the protestant and the protestee;

c) The specifications of the protest,

d) The comparative qualifications data of both the protestant and protestee showing their education and training, experience, outstanding accomplishment, civil service eligibility, latest performance rating accompanied by a certified true copy of the approved organizational chart/s of the service/port/division where either or both belong as well as the updated personal data sheets of the protestee and protestant.

3. When and where to file protest- The aggrieved employee may, within fifteen (15) days from date of receipt of the notice informing him of promotional appointment, file his protest in triplicate with the Grievance Committee, created per CMO No. 36-92 dated March 18, 1992. Failure to file a timely protest shall be deemed lack of interest or a waiver of his right for promotion to the position filled. No protest shall thereafter be entertained.

4. Procedure on protests- The Grievance Committee shall, within fifteen (15) working days from the date of filing of a protest, study the grounds and evaluate the

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protest en banc and submit its finding and recommendation to the Commissioner of Customs. Its finding and recommendation shall be in accordance with the pertinent provisions of the Civil Service Commission and the provisions of this Merit Promotion Plan. The recommendation shall specify the employee who, in its evaluation and objective assessment, should be appointed to the contested position.

After assessing the merits of the recommendation of the Grievance Committee, the Commissioner of Customs shall issue a decision within sixty (60) days from receipt of the protest on who shall be promoted. A copy of the decision shall be furnished to both protestant and protestee by the Grievance Committee within five (5) working days after the decision. The records of the case shall be returned to the Grievance Committee for further appropriate action, if any. The decision of the Commissioner of Customs on protest cases shall become final and executory after fifteen (15) working days from receipt of a copy of the decision by the employee adversely affected unless a timely appeal is made by said employee.

If the employee/party adversely affected is not satisfied with the decision of the Commissioner of Customs, he may, within fifteen (15) days from his receipt of a copy of the decision, file with the Commissioner a motion for reconsideration of the decision which shall be decided upon within five (5) days from receipt hereof. Only one motion for reconsideration shall be entertained. If the aggrieved party is not satisfied with the decision, he may elevate his protest or appeal to the Merit Systems Protection Board of the Civil Service Commission within (15) days without extension from receipt thereof. Copies of the appeal showing the date of its filing with the MSPB shall be furnished the Grievance Committee as well as the appellee within the same period. The format of an appeal shall be the same as that prescribed for protest; Provided, That where the decision of the Commissioner of Customs is in favor of the protestant, the protestee who decides to appeal the decision shall then be called the "Protestee-Appellant" and the former protestant the "Protestant-Appellee".

5. Effectivity of contested appointment - A contested appointment shall take effect ten (10) days after its publication if the appointee assumes the duties of his position, and the appointee is entitled to receive the salary attached to the position. However, the appointment, together with the decision of the Commissioner of Customs, shall be submitted to the Civil Service Commission for appropriate action within sixty (60) days from the date of its issuance, otherwise the appointment becomes ineffective thereafter. Likewise, such an appointment shall become ineffective in case the protest is finally resolved in favor of the protestant, in which case the protestee shall be

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reverted to his former position.

VII - RESPONSIBILITIES

Human Resources Management Division (HRMD). - Shall:

1. Establish and maintain an up-to-date qualification index of all employees in the Bureau and, for this purpose shall keep individual personnel folders which shall be made available to the Selection Board, if and when needed, and open at all times for inspection by authorized representatives to the Civil Service Commission. These folders (201 File) shall give information about an employee's record of performance, occupational history, educational attainment, special studies and training, civil service eligibilities and other relevant data.

2. Administer and maintain the qualification standards of all positions in the Bureau established under this Merit Promotion Plan and shall review and update on a continuing basis, in consultation with the Civil Service Commission, those already established as an incentive to professional growth and advancement, and foster the career system in the Bureau.

3. Publish and disseminate copies of this Merit Promotion Plan to all offices in the Bureau after its approval by the Civil Service Commission.

Selection Board. - Shall :

1. Adopt a systematic screening procedure and formulate criteria for the evaluation of qualification of candidates for promotion to ensure objectivity, which criteria must suit the job requirements of the position to be filled.

2. Develop criteria for managership and leadership which shall constitute one of the instruments for selection of candidates for promotion to supervisory positions, considering the fact that these positions are vital to the growth and effective operations of the Bureau.

3. While initially consider the next-in-rank rules in its evaluation of the employees considered for promotion to Division Chief or equivalent position level, if necessary and so as to choose only the most competent and best qualified, may go into a deep selection process in recommending the employee to be considered and selected for promotion to such positions.

4. Maintain records of deliberations which shall be available for inspection by authorized representatives of

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the Civil Service Commission.

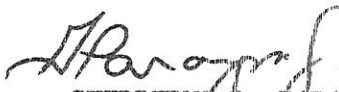
VIII - EFFECTIVITY

This Promotion Plan shall take effect upon its approval by the Chairman of the Civil Service Commission. Any revision, amendment or modification of this plan shall likewise be subject to the approval; however, it shall not take effect until after six (6) months from the date of approval of the revision, amendment or modification.

Recommending Approval:

July 12, 1994

APPROVED:


GUILLELMO L. PARAYNO, JR.
Commissioner


THELMA P. GAMINDE
Commissioner
Civil Service Commission