



REPUBLIC OF THE PHILIPPINES
DEPARTMENT OF PUBLIC WORKS AND HIGHWAYS
OFFICE OF THE SECRETARY
MANILA

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Memo dated 7/16/91*

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DEPARTMENT ORDER)

No. **22** ^{m)}
1/30

SUBJECT : DPWH Merit Promotion Plan

Series of 1990)
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Pursuant to the provisions of Section 30 of Presidential Decree No. 807, CSC Resolution No. 83-343 promulgating the revised Rule on Promotion, CSC MC No. 3, s. 1979 as amended by CSC MC 18, s. 1988 and MC NO. 38, s. 1989 and Section 32, Book V of Executive Order No 292, this DPWH Merit Promotion Plan is hereby established for the guidance of all concerned.

I. OBJECTIVES

It is the policy of the Department to strictly adhere to the merit principle of promoting employees on the basis of their relative qualifications and competence to perform the duties of the vacant position. In this pursuit, the Department Merit Promotion Plan aims to:

1. Establish a promotion system that is characterized by strict observance of the merit principle in the selection of employees for promotion to higher positions in the career service;
2. Create equal opportunities for advancement for all qualified and competent employees in the Department.
3. Provide a guide for the speedy and fair adjudication of protests of employees against promotions.

II. SCOPE

This Merit Promotion Plan shall cover all positions classified under the First and Second Levels of the career service in the various offices of the Department of Public Works and Highways.

III. DEFINITIONS OF TERMS

Promotion - means 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.

It denotes the scalar ascent of an employee to another career position, higher either in rank or salary.

Merit Promotion - is a systematic method of selecting employees for advancement or promotion on the basis of their qualifications, fitness and ability to perform the duties and assume the responsibilities of the position being filled.

- Career Service -** is a category of service in the Philippine Civil Service characterized by entrance to positions based on merit and fitness to be determined as far as practicable by competitive examinations or based on highly technical qualifications, opportunity for advancement to higher career positions, and security of tenure.
- First Level -** shall include clerical, trades, crafts, and custodial service positions which involve sub-professional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies.
- Second Level -** shall include professional, technical, and scientific positions which involve professional, technical, or scientific work in a non-supervisory or supervisory capacity requiring at least four years of college studies up to Division Chief Level.
- Next-in-Rank -** position refers to a position which by reason of the hierarchical arrangement of positions in the Department is in the nearest degree of relationship to a higher position, taking into account the following:
- 1) organizational structure/s as reflected in the approved organization chart;
 - 2) salary grade allocation;
 - 3) classification and/or functional relationships of positions; and
 - 4) geographical location.
- 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 requisite qualifications for appointment thereto as previously determined by the appointing authority and approved by the Commission. In no instance, however, shall a position in the First Level be considered next-in-rank to a position in the Second Level.
- Open Position -** refers to those positions that do not have any positions next-in-rank, or residual positions of each level which may be filled by lateral/vertical entry.
- Promotional Line-Up -** is a listing of incumbents of positions next-in-rank to a vacancy as well as those who, though not next-in-rank, are deemed qualified and competent together with all necessary information about each incumbent.

System of Ranking Positions - refers to the arrangement of positions in the Department of Public Works and Highways, as prescribed in ANNEX "A" of this Department Order.

Qualification 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 by the job.

Qualification Index - refers to individual personnel service record card of officers and employees which contain occupational history, performance rating, honors and awards, discipline record, and other relevant data.

Occupational Groupings of Positions - is a series of classes of positions in the same occupation or occupational area, arranged by level of difficulty and complexity of work, from the lowest to the highest.

IV. BASIC POLICIES

1. When a vacancy occurs in a position in the first and second levels of the Career Service as herein defined, the employees in the Department who occupy the next lower positions in the occupational groups under which the vacant position is classified, and in other functionally related occupational groups who are competent and qualified and with appropriate civil service eligibility shall be considered for appointment to the vacancy.
2. The promotional area of selection shall not be artificially restricted by Division or Section lines, except when such restriction is demonstrably in the interest of the service. In making promotions to vacant positions, qualified next-in-rank employees as determined under the DPWH System of Ranking Positions shall be considered for promotion. However, an employee who is not next-in-rank but who possesses superior qualifications and competence compared to a next-in-rank employee who merely meets the minimum requirements of the position may be promoted, to ensure that the most qualified and the best suited shall be appointed to the vacancy.

In cases where the qualifications of next-in-rank employees are comparatively at par, preference shall be given to the employee in the organizational unit where the vacancy is, for reasons of equity and morale.

3. If the vacancy is not filled by promotion as provided in the foregoing section, the same shall be filled by transfer of present employees in the government service, by reinstatement, or by re-employment of persons who meet all the requirements for appointment to the position.
4. Established standards and methods of evaluating the qualifications and competence of all employees competing for promotion to the same position shall be applied fairly and consistently.

5. In filling any new position except at the lowest level, existing positions in the Department which are similar or allied to the new position shall be considered next-in-rank to the new position
6. Lack of confidence shall not be accepted as a special reason for disqualifying an employee from promotion. The special reason must be real and substantial to be considered sufficient for his disqualification.
7. When an employee who is legitimately entitled to promotion has a pending administrative case, the position to which he shall have been promoted shall not be filled until after the case shall have been finally decided. However, when the exigencies of the service require immediate filling of the position, then, it shall be filled by temporary appointment to end as soon as the employee legitimately entitled to it is exonerated. If he is found guilty, he shall be disqualified for promotion for a period based on the penalty imposed as prescribed by the Civil Service Commission.
8. The composition of the Selection Board shall be in accordance with the guidelines prescribed in CSC MC No. 18, s. 1988 as amended by MC No. 38, s. 1989.

V. PROCEDURE ON PROMOTION

The following procedure shall be observed in filling any vacant position whether in the first or second level positions of the career service:

1. The Head of the Office where the vacancy exists, in consultation with the Placement Committee, shall submit to the appropriate One-Stop-Testing Center created under Department Order No. 150, s. 1989, the names of employees who are competent and qualified for promotion. From the list submitted, the Head of Office may indicate his choice to fill the vacancy.
2. The Testing Center, taking into consideration the qualification standards/job requirements of the vacant position shall make a preliminary screening of the qualifications of all candidates and submit the promotional line-up of at least three (3) candidates to the appropriate Selection Boards created under Department Order No. 93, series of 1989, together with the personnel evaluation pursuant to Department Order No. 164, series 1990, and other pertinent records and information. In this regard, only employees with Outstanding and Very Satisfactory performance ratings shall be considered for promotion.
3. The appropriate Selection Board shall evaluate en banc the qualifications of the nominees/candidates in accordance with the evaluation criteria and screening procedures previously established, and recommend to the appointing authority at least three (3) nominees/candidates whom it considers the best qualified and most suitable for the vacancy together with the evaluation papers. The Board shall maintain records of

deliberations which shall be available for inspection by the Office of the approving authority and the Civil Service Commission.

4. The appointing authority shall assess the merits of the recommendations of the Selection Board and select the candidate he deems best qualified and suitable for the vacant position.
5. Once the Appointing Authority has made his choice, the Personnel Office concerned shall accordingly prepare the appointment papers. As soon as the promotional appointment is issued a notice announcing the promotion shall be posted on the bulletin board, by the Head of Office concerned.

VI. PROTESTS

The Civil Service Rules on Protest Cases are hereunder substantially restated -

1. Appointment/Promotion which may be the Subject of a Protest. The following appointments may be protested:
 - (a) An appointment made in favor of another next-in-rank employee who is not qualified;
 - (b) An appointment made in favor of one who is not next-in-rank;
 - (c) An appointment made in favor of one who is appointed by transfer and not next-in-rank, or by reinstatement or by original appointment, if the employee making the protest is not satisfied with the written special reason or reasons given by the appointing authority for such appointment.
2. Who May File a Protest--Only a qualified next-in-rank employee who is not considered for promotion to the next higher position may file a protest with the appointing authority.
3. Form and Content of Protest. The protest shall be written in clear, simple and concise language and in a systematic manner and shall contain (a) the position contested including its item number and the salary per annum attached thereto; (b) the full name, office, position and salary per annum of both the protestant and the protestee; (c) the specifications of the protest; and, (d) the comparative qualification data of both the protestant and protestee showing their education and training, experience, outstanding accomplishments, civil service eligibility, their latest performance ratings for two ratings periods, as well as the updated Personal Data Sheets of the protestee and protestant.
4. Where to File Protest. A qualified next-in-rank employee may file a protest against an appointment or promotion with the proper appointing Authority/Complaints Committee.

5. When to File Protest. The protest may be filed within fifteen (15) days from notice by the protestant of the issuance of the appointment or promotion.
6. Effect of Protest on the Appointment. A protest shall not render an appointment ineffective, if the appointee assumes the duties of the position. The appointment may be approved if the appointee meets the qualification standards prescribed for the position, subject, however, to the final outcome of the protest case.
7. Effect of Withdrawal of Protest. A protest may be withdrawn at any time as a matter of right. The withdrawal of the protest shall terminate the protest case.
8. Appointment to Similar or Comparable Position. The acceptance of an appointment by the protestant to a similar or comparable position shall render his protest moot and academic.
9. When Protest is Deemed Filed. A protest is deemed filed in case the same is sent by registered mail, on the date shown by the postmark on the envelope which shall be attached to the record of the case and in case of personal delivery, on the date stamped by the Office of the Appointing Authority/Complaints Committee.
10. Dismissal of Protest: Grounds. A protest shall be dismissed on the following grounds:
 - (a) The protestant is not next-in-rank;
 - (b) The protestant is next-in-rank but not qualified;
 - (c) The Protest is general, i.e., it does not specify a particular protestee as when the protest is against "anyone who is appointed to the position" or there are two or more protestees;
 - (d) The protest is not in accordance with the required form, such as telegram or radio message.
11. Action on the Protest. Except as otherwise provided in the preceding section, the Appointing Authority/DPWH Complaints Committee created under Department Order No. 152, s. 1989, shall, within three (3) days from receipt of the protest, refer the same for comment to the proper Head of Office, which comment shall be filed with the former within five (5) days from the date of said referral.

In case of failure on the part of the Head of Office to file his comment within the said period, the case shall be decided on the basis of the records at hand as provided by these Rules.
12. Submission of Memoranda. If on the bases of the protest and its supporting papers, as well as the comment of the Head of Office and other relevant documents, the protest case cannot be judiciously decided, the parties shall be required to submit their respective memoranda

within ten (10) days from notice. Such notice shall be issued by the Appointing Authority/Complaints Committee within five (5) days from receipt of the comment of the Head of Office.

Failure of either party to submit within the said period his memorandum shall be construed as a waiver and the protest shall be decided on the bases of available documents.

13. When Case is Decided. The Secretary/Appointing Authority, in consultation with the DPWH Complaints Committee shall decide a protest case within sixty (60) days from receipt of the protest.
14. Effect of decision. In case the protest is finally decided in favor of the protestant, the appointment of the protestee shall be rendered ineffective and/or disapproved and shall be accordingly noted in the appropriate personnel records such as File 201 and service cards. The protestee shall be reverted to his former position.
15. Period for Filing Motion for Reconsideration. Either party may, within fifteen (15) without extension from receipt of decision, file with the Complaints Committee/Appointing Authority a motion for reconsideration of the decision. Only one motion for reconsideration shall be entertained.
16. When Motion for Reconsideration is Deemed Filed. The motion for reconsideration is deemed filed in case the same is sent by registered mail, on the date shown by the postmark on the envelope which shall be attached to the record of the case and in case of personal delivery on the date stamped by the Office of the ASecretary on the motion.
17. Grounds for Motion for Reconsideration. The motion for reconsideration shall be based only on the following:
 - (a) The decision is not supported by the evidence on record; or
 - (b) Errors of law and or fact, or irregularities have been committed prejudicial to the interest of the movant.
18. When Motion for Reconsideration is Decided. The Appointing Authority shall decide a motion for reconsideration within five (5) days from receipt thereof.
19. Appeal Period; Where Filed. The employee who is not satisfied with the decision of the Appointing authority may initially appeal to the Merit System Protection Board/Civil Service Regional Office within fifteen (15) days from notice or receipt of decision. Decisions of the Merit System Protection Board and the Civil Service

Regional Office may be finally appealed to the Commission within the same period.

VII. RESPONSIBILITY

The Department Personnel Division shall be responsible for the publication and dissemination of copies of this Merit Promotion Plan and its Annexes to all Department Offices/Personnel after approval thereof by the Civil Service Commission.

VIII. EFFECTIVITY

This Merit Promotion Plan and the System of Ranking Positions shall take effect upon approval thereof by the Civil Service Commission. Any subsequent changes in, or amendments to, this Merit Promotion Plan and the System of Ranking Positions shall be subject to approval by the Civil Service Commission and shall not take effect until six months from the date of approval.

Jose P. de Jesus
JOSE P. DE JESUS
Secretary
4/16

ANNEXES :

- ANNEX "A" - System of Ranking Positions
- ANNEX "B" - Sample Protest Form
- ANNEX "C" - Executive Order No. 124,
Reorganizing the DPWH
- ANNEX "D" - Organization and Functional Charts
- ANNEX "E" - PSI/STAFFING Pattern for DPWH