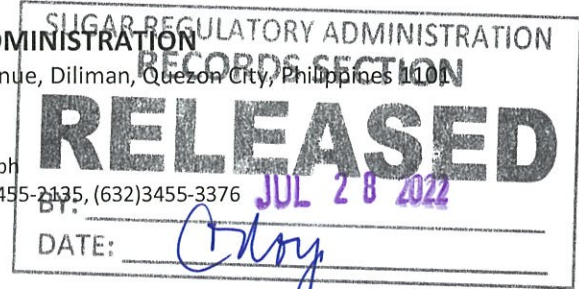




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MEMO-ADM-JUL-009

MEMORANDUM CIRCULAR NO. 16
Series of 2022

TO : ALL SRA OFFICIALS, EMPLOYEES AND STAKEHOLDERS

FROM : HERMENEGILDO R. SERAFICA
Administrator

DATE : 28 JULY 2022

SUBJECT : MEMORANDUM CIRCULAR AMENDING AND SUPPLEMENTING CIRCULAR NO. 1 SERIES OF 2022 BY EXTENDING THE TERM OF OFFICE OF GOVERNMENT OFFICIALS AND EMPLOYEES COVERED THEREIN AND FIXING THE RULES THEREFOR, AND PROHIBITING NEW CONTRACTS AND DISBURSEMENT OF EXTRAORDINARY FUNDS

To ensure the continuous and effective delivery of government service, Memorandum Circular No. 1, series of 2022 was amended and in supplement thereto, Memorandum Circular dated July 27, 2022 was issued, extending the term of Office of Government Officials and employees covered therein and fixing the rules therefor, and prohibiting new contracts and disbursement of extraordinary funds, to wit:

X X X X X X X

- MC No. 1 and this Memorandum Circular, insofar as they declared certain positions vacant and provided for the rules to address the vacancies, do not apply to Government-Owned or Controlled Corporations (GOCC's), government instrumentalities with corporate powers, government financial institutions, which shall continue to be governed by their respective charters, articles of incorporation and by-laws in relation to Republic Act 10149 or the GOCC Governance Act of 2011. (emphasis ours)**



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With the foregoing, in the interest of public service and for the common good of the sugarcane industry to whom we have committed ourselves to serve and from whom we owe this office, it is clear that the present Administrator, ENGR. HERMENEGILDO R. SERAFICA and Board Member ATTY. ROLAND B. BELTRAN are duty bound to remain in office until their replacement shall have been appointed by the President. Hence, the designation of Atty. Ignacio S. Santillana through the Joint Memorandum signed by Deputy Administrators Atty. Ignacio S. Santillana, Atty. Guillermo S. Tejada III and Atty. Brando D. Noroña has no basis in fact and in law and is therefore null and void from the beginning. As such, all issuances made and executed by Atty. Ignacio S. Santillana as OIC-Administrator are hereby recalled and made ineffective immediately.

Attached is the Memorandum Circular issued by the Executive Secretary dated July 27, 2022 for your reference.

For your guidance.

A handwritten signature in black ink, consisting of a stylized 'V' shape with a horizontal line extending to the right.



MALACAÑAN PALACE
MANILA

MEMORANDUM CIRCULAR NO. 3

AMENDING AND SUPPLEMENTING MEMORANDUM CIRCULAR NO. 1, series of 2022 BY EXTENDING THE TERM OF OFFICE OF GOVERNMENT OFFICIALS AND EMPLOYEES COVERED THEREIN AND FIXING THE RULES THEREFOR, AND PROHIBITING NEW CONTRACTS AND DISBURSEMENT OF EXTRAORDINARY FUNDS

WHEREAS, Memorandum Circular (MC) No. 1, series of 2022 declared certain positions in the departments, offices, agencies, and bureaus in the Executive Branch vacant effective 30 June 2022 and established rules in order to ensure continuous and effective delivery of public service;

WHEREAS, MC No.1 declared vacant effective noon time of June 30, 2022 certain positions in the Executive Department and provided for the manner of addressing the resulting vacancies. The designated Officers-in-Charge (OICs) of departments, offices, agencies and bureaus, as well as non-Career Executive Officials (non-CESO) occupying Career Executive Service (CES) positions in hold-over capacities and affected contractual or casual employees were directed to perform the duties and discharge their responsibilities until 31 July 2022 or until a replacement has been appointed or designated, whichever comes first;

WHEREAS, in order to ensure the continuous and effective delivery of government services there is a need to amend and supplement MC No. 1 by extending the term of office of government officials and employees covered therein;

WHEREAS, there is a need to supplement MC No. 1 in order to ensure that no new contract, project, or disbursement of extraordinary funds is made by a department, agency, bureau, and office until the appointment is made by the President;

NOW, THEREFORE, I, VICTOR D. RODRIGUEZ, Executive Secretary, by authority of the President, FERDINAND R. MARCOS, JR., do hereby declare:

1. All OICs of departments, agencies, bureau and office, non-CES officials occupying CES positions and contractual or casual employees covered herein shall continue to perform their duties and discharge their functions until 31 December 2022 or until a replacement has been appointed or designated, whichever comes first.

THE PRESIDENT OF THE PHILIPPINES

2. All officials and employees covered by this Memorandum Circular are mandated to lawfully perform their duties and functions, and submit bi-monthly performance reports to their respective heads of the department, agency, bureau, office, or instrumentality; otherwise, they will be held accountable.
3. MC No. 1 and this Memorandum Circular, insofar as they declared certain positions vacant and provided for the rules to address the vacancies, do not apply to government-owned or -controlled corporations (GOCCs), government instrumentalities with corporate powers, government corporate entities, and government financial institutions, which shall continue to be governed by their respective charters, articles of incorporation and by-laws in relation to Republic Act 10149 or the GOCC Governance Act of 2011.
4. Except for those involved in the food, transportation and energy sectors, or except when authorized by the President in meritorious cases, the following shall not enter into new contracts or projects or disburse extraordinary funds:
 - a. OICs of departments, offices, agencies, instrumentalities and bureaus covered herein;
 - b. GOCCs, government instrumentalities with corporate powers, government corporate entities, and government financial institutions, until such time that new sets of appointive directors have been appointed and chief executive officers elected in accordance with their respective charters, articles of incorporation and by-laws in relation to Republic Act 10149 or the GOCC Governance Act of 2011; and
 - c. The free port and special economic zone authorities, until such time that new sets of appointive directors have been appointed and chief executive officers elected.

This Memorandum Circular shall take effect immediately.

Done in the City of Manila, this 27th day of July 2022.

By authority of the President:


VICTOR D. RODRIGUEZ
Executive Secretary

