

LIM, Alexander A.

Re: Secondment

X-----X

RESOLUTION NO. 030099

Ida F. Damasco, Executive Director, Philippine Council for Advanced Science and Technology Research and Development, Department of Science and Technology (PCASTRD-DOST), requests the Commission for the approval of the secondment of Dr. Alexander A. Lim, Associate Professor II, University of the Philippines Los Baños (UPLB) as Deputy Executive Director of PCASTRD for a period of one (1) year effective June 1, 2000 to May 31, 2001.

Salient portions of the Memorandum of Agreement (MOA) entered by and between UPLB Chancellor Dr. Wilfredo P. David and DOST Secretary Dr. Filemon A. Uriarte, Jr. who represented the Mother Agency and the Receiving Agency, respectively read, as follows:

"WHEREAS, the Department of Science and Technology is desirous of availing of the services of a Deputy Executive Director for the Philippine Council for Advanced Studies and Technology Research and Development (PCASTRD), with a doctorate degree in Natural Science or Engineering and with at least three (3) (sic) experience in administrative and technical or professional work in an organization engaged in research and development (R&D); with ability to plan, program, direct supervise and coordinate R&D activities; with good written and oral communication skills, possessing excellent judgment, comprehension and planning activity, judicious and analytical thinking; with positive attitude towards people and abreast with the modern concepts of organizational behavior;

"WHEREAS, Dr. Lim would like to be seconded to the PCASTRD based at Gen. Santos Ave., Bicutan, Taguig, Metro Manila as Deputy Executive Director;

"WHEREAS, the UNIVERSITY OF THE PHILIPPINES IN LOS BANOS agrees to the secondment of Dr. Lim to PCASTRD;

X X X

"5. That this Secondment shall be for a period of one (1) year effective June 1, 2000 to May 31, 2001; and that

any modification on the period shall be by mutual consent of the parties;

"6. That the item of the Seconded Employee as Associate Professor II in the Mother Agency shall not be filled up while he is on secondment in the Receiving Agency;

"7. That after his secondment to the Receiving Agency is terminated, the Seconded Employee shall immediately be reinstated as Associate Professor II in the Mother Agency;

x x x"

Records show that Lim was appointed as Associate Professor II under permanent status at the UPLB in 1995. He served as such until May 4, 1999 when he was issued an appointment by then President Joseph Estrada as Deputy Executive Director at the PCASTRD-DOST. Subsequently, on May 17, 1999, he took his oath of office.

Thus, the Commission notes that at the time the MOA was entered into by and between the contracting parties on June 1, 2000, Lim was already issued an appointment at the PCASTRD-DOST. This fact notwithstanding, the contracting parties still stipulated, *inter alia*, in the MOA as follows:

"6. That the item of the Seconded Employee as Associate Professor II in the Mother Agency shall not be filled up while he is on secondment in the Receiving Agency;

"7. That after his secondment to the Receiving Agency is terminated, the Seconded Employee shall immediately be reinstated as Associate Professor II in the Mother Agency;"

The above proviso in the MOA may have been agreed upon by the contracting parties in view of the definition of secondment under **Section 6(c), Rule III of CSC Memorandum Circular No. 40, s. 1998, as amended by CSC Memorandum Circular No. 15, s. 1999** which reads, as follows:

"c. Secondment – movement of an employee from one department or agency to another which is temporary in nature and which may or may not require the issuance of an appointment which may either involve increase in compensation and benefits."

As can be gleaned from the aforequoted provision, a secondment may or may not involve the issuance of an appointment. In the instant case, the fact that Lim was already appointed to the PCASTRD as its Deputy Executive Director before his secondment thereat in the same capacity, does not affect the validity of such secondment. This finds support from the aforecited provision and from the clear intention of the contracting parties that upon termination of the secondment, Lim shall be immediately reinstated to his position of Associate Professor II at the UPLB.

Finally, the Commission has likewise noted that the MOA was not submitted to the Commission within the 30-day reglementary period provided under **Section 6 (iv) (1), CSC Memorandum Circular No. 15, s. 1999** which reads, as follows:

"(iv) Approval of the secondment shall be subject to the following conditions:

`1. A Memorandum of Agreement or Contract for Secondment between the Mother and Receiving Agency and concurred in by the employee shall be submitted to the CSC within 30 days from signing of the contract.' (Emphasis ours)

x x x"

Be that as it may, the Commission is inclined to approve the same. The Commission in **CSC Resolution No. 01-1145 dated July 9, 2001 re: CARLOS, Clarita**, ruled in this wise:

"xxx. The Commission takes note of the belated submission of the same. Thus, it should be disapproved. Nonetheless, in the interest of justice, the request is hereby given due course."

WHEREFORE, the secondment of Dr. Alexander A. Lim to the Philippine Council for Advanced Science and Technology Research and Development, Department of Science and Technology as Deputy Executive Director thereof for a period of one (1) year effective June 1, 2000 to May 31, 2001 is hereby **APPROVED**.

Quezon City, JAN 21 2003

(Original Signed)
KARINA CONSTANTINO-DAVID
Chairman

(Original Signed)
JOSE F. ERESTAIN, JR.
Commissioner

(Original Signed)
J. WALDEMAR V. VALMORES
Commissioner

Attested by:

(Original Signed)
ARIEL G. RONQUILLO
Director III

jjc/fpg/y8(k)/rco(fuji29)
lim1