



Republic of the Philippines
OFFICE OF THE SECRETARY
Elliptical Road, Diliman
1100 Quezon City



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MEMORANDUM

FOR : USEC. LEOCADIO S. SEBASTIAN
Chief of Staff

CC : REILDRIN G. MORALES, DVM, MVPH Mgt
OIC-Director, BAI

FROM : LEGAL SERVICE

RE : DR. FE CABULLO; OIC, NEXT-IN-RANK; OP MC NO. 1

DATE : July 8, 2022

This refers to your request for assistance on the July 6, 2022 Memorandum of Dr. Maria Fe B. Cabullo, Chief, Animal Feeds, Veterinary Drugs and Biologics Control Division (AFVDBCD), BAI, informing all employees of BAI of her claim that she as the next-in-rank and most senior official will assume office as OIC, Director IV, BAI, which was left vacant pursuant to Office of the President (OP) Memorandum Circular (MC) No. 1, s. 2022 dated June 30, 2022.

Please be informed that OP MC No. 1, s. 2022 is clear. It pertains to separation from the service of certain officials whose APPOINTMENT falls *inter alia* under any of the following conditions:

- "1. All Presidential appointees whose appointments are classified as co-terminous;
- "2. All Presidential appointees occupying positions created in excess of the authorized staffing pattern;
- "3. All non-Career Executive Service Officials occupying Career Executive Service positions; and xxx" (emphasis ours)

Records show that Director Reildrin Morales, the current OIC of the BAI with plantilla appointment as Director IV at the National Meat Inspection Service (NMIS), is not a Career Executive Service Officer (CESO). Thus, it would appear that Director Morales would fall under Item no. 3 of paragraph 1.

Meanwhile, Paragraph 2 of the MC provides how vacancies left by those under paragraph 1 will be addressed, to wit:

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"1. Vacancy in the heads of departments, offices, agencies and bureaus where no replacement has been appointed or designated, shall be filled up by the next-in-rank and most senior official as Officer-in-Charge (OIC).

"The OIC shall perform the duties and discharge the responsibilities of the office until 31 July 2022, or until a replacement has been appointed or designated, whichever comes first.

~~"2. All non-Career Executive Officials (non-CESO) occupying Career Executive Service (CES) positions in all the agencies of the Executive Branch shall remain in office and continue to perform their duties and discharge their responsibilities on a hold-over capacity until 31 July 2022, or until their resignations have been accepted and/or their respective replacements have been appointed and/or designated, whichever comes first." (emphasis ours)~~

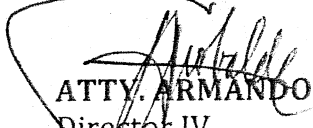
Under this paragraph, item no. 2, Director Morales as a non-CESO occupying CES position as Director IV is authorized to remain in office and continue in the service on a holder-over capacity until July 31, 2022 unless earlier replaced by another appointment or designation made by the appointing authority, the President.

As we said in the earlier part this opinion, MC No. 1 deals with the issue of APPOINTMENT only. Not of DESIGNATIONS. The issue of Director Morales' designation is an entirely different matter. The said subject is covered by the June 22, 2022 Memorandum of Secretary William D. Dar, to wit:

"To ensure the continuity of service and to facilitate the day to day operations in the offices of the Department, all existing designations issued by the undersigned shall remain in force until revoked or superseded in writing by the incoming Secretary, or expires, whichever comes first." (emphasis ours)

In sum, since the appointment as Director IV of Director Morales is allowed by MC No. 1, s. 2022 to continue until July 31, 2022, concomitantly, his designation as OIC-Director IV, BAI subsists by virtue of the June 22, 2022 Memorandum of Secretary Dar as the same has not been revoked or superseded by new DA Secretary.

For your consideration.


ATTY. ARMANDO R. CROBALDE, JR.
Director IV
OIC Director, Legal Service

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with prosperous farmers and fisherfolk*

