



REPUBLIC OF THE PHILIPPINES  
DEPARTMENT OF FINANCE  
BUREAU OF CUSTOMS  
MANILA 1099

**CUSTOMS ADMINISTRATIVE ORDER (CAO)**

**NO.** \_\_\_\_\_

**SUBJECT: ASSIGNMENTS, REASSIGNMENTS AND DESIGNATIONS**

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**INTRODUCTION.** This Customs Administrative Order (CAO) implements Section 101 (g), Chapter 2 of Title I; Section 201 (f), Chapter 1, Sections 209 and 211, Chapter 2 of Title II, and other related provisions of Republic Act No. 10863, otherwise known as the Customs Modernization and Tariff Act (CMTA) in conjunction with Executive Order No. 292, also known as the Revised Administrative Code, Civil Service rules and regulations, and all other laws, rules and regulations related to customs administration.

**Section 1. Scope.** This CAO applies to Assignments, Reassignments and Designations of all Customs Personnel except Deputy Commissioners.

**Section 2. Objectives.**

- 2.1.** To ensure compliance with existing Civil Service laws, rules and regulations;
- 2.2.** To adopt a competency and merit-based evaluation process for Assignment, Reassignment and Designation of Customs Personnel; and
- 2.3.** To ensure that personnel actions are made only in the interest or exigency of the service.

**Section 3. Definition of Terms.** For purposes of this CAO, the following terms shall be defined as follows:

- 3.1. Absence** – shall refer to being away from one's office or territorial jurisdiction for at least half day without exercising the functions of his office.

- 3.2. Conflict of Interest** – shall refer to a case when a public official or employee is a member of a board, an officer, or a substantial stockholder of a private corporation or owner or has a substantial interest in a business, and the interest of such corporation or business, or his rights or duties therein, may be opposed to or affected by the faithful performance of official duty.<sup>1</sup>
- 3.3. Constructive Dismissal** – shall refer to when an employee is being forced to quit his or her work because of the agency head's unreasonable, humiliating, or demeaning actuations, which render continued work impossible because of geographic location, financial dislocation and performance of other duties and responsibilities inconsistent with those attached to the position. Hence, the employee is deemed illegally dismissed.<sup>2</sup>
- 3.4. Customs Officer** – as distinguished from a clerk or employee, shall refer to a person whose duty, not being clerical or manual in nature, involves the exercise of discretion in performing the function of the Bureau. It may also refer to an employee authorized to perform a specific function of the Bureau as provided in the CMTA.<sup>3</sup>
- 3.5. Customs Officers with Assessment Functions** – shall refer to officers exercising examination, valuation, classification and computation of duties, taxes and other charges functions and other related functions.
- 3.6. Customs Officers with Operations Functions** – shall refer to officers under the Divisions/Offices of the Deputy Collector for Operations.
- 3.7. Customs Officers with Enforcement and Intelligence Functions** – shall refer to officers under the Customs Intelligence and Investigation Service (CIIS) and Enforcement and Security Service (ESS).
- 3.8. Customs Personnel** – shall refer to employees appointed to casual, permanent or co-terminus positions in the Bureau of Customs and as such possess appointments to plantilla positions.
- 3.9. Designation** – shall refer to merely an imposition of additional or new duties to be performed by personnel which is temporary and may be terminated anytime at the pleasure of the appointing authority.<sup>4</sup>
- 3.10. First Level Employees** – shall include clerical, trades and crafts, and custodial service positions which involve a non-professional or sub-

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<sup>1</sup> cf. RA 6173, Code of Conduct and Ethical Standards for Public Officials and Employees, Section 3 (i).

<sup>2</sup> cf. Civil Service Commission, MC No. 2, s. 2005 subsection 7.

<sup>3</sup> CMTA, Title I, Chapter 1, Section 102 (p).

<sup>4</sup> CSC Omnibus Rules on Appointments and Other Personnel Actions, Rule III, Sec 4 (e).

professional work in a non-supervisory or supervisory capacity requiring less than four years of collegiate studies.<sup>5</sup> In the Bureau, these include employees with salary grade 1 to 10 including Warehouseman III, SG-11.

**3.11. Hold-over capacity** – shall refer to a situation wherein the personnel shall continue to discharge the duties and functions of his position until such time that an order for his Reassignment has been issued or a successor has been appointed or designated.

**3.12. Reassignment** – shall refer to the movement of an employee from one organizational unit to another in the same department or agency, which does not involve a reduction in rank, status or salary and does not require the issuance of an appointment.<sup>6</sup>

**3.13. Second Level Employees** – shall refer to professional, technical or scientific positions which involve professional, technical or scientific work in a non-supervisory or supervisory capacity requiring at least four years of collegiate work up to Division Chief level or Executive/Managerial level requiring a Master’s degree.<sup>7</sup> In the Bureau, these include positions with Salary Grades 11 to 25.

**3.14. Seniority in the Bureau** – shall refer to the following in hierarchical order:

**3.14.1.** Personnel holding the higher plantilla position;

**3.14.2.** Personnel promoted earlier;

**3.14.3.** Personnel with longer length of service in the Bureau;

**3.14.4.** Personnel with longer length of service in the Government;

**3.14.5.** Personnel more senior in age.

**3.15. Third Level Employees** – shall include positions in the Career Executive Service,<sup>8</sup> which generally require Career Service Executive Eligibility (CSEE) or Career Executive Service (CES) Eligibility and are appointed by the President. In the Bureau, Third level positions include the following: Collector of Customs VI, Director II and III, Assistant Commissioner of Customs, Deputy Commissioner of Customs and Commissioner of Customs.

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<sup>5</sup> cf. EO 292, Book 5, Title I, Chapter 2, Section 8 (a).

<sup>6</sup> cf. Omnibus Rules Implementing Book V of EO 292, Rule VII Sec 10.

<sup>7</sup> cf. EO 292, Book 5, Title I.A, Chapter 2, Section 8 (b) as amended by CSC MC No. 13 s. 2011

<sup>8</sup> cf. EO 292, Book 5, Title I, Chapter 2, Section 8 (c).

**Section 4. General Provisions.**

- 4.1.** This CAO covers personnel from the position of Service Directors and below. The power to issue Reassignment and Designations of Deputy Commissioner shall be solely vested on the Secretary of Finance.
- 4.2.** Reassignment and Designation are separate personnel actions but an employee may be reassigned and designated at the same time. In the latter case, the rules and regulations for both personnel actions as herein prescribed shall be complied with.
- 4.3.** In no case may job order or contract of service holders, casual and co-terminus employees including personnel on detail, be assigned or designated to positions with functions exercised by Customs Officers.
- 4.4.** Customs Personnel due for retirement within six (6) months shall no longer be considered for Reassignment or Designation.
- 4.5.** Newly hired employees shall not be considered for Reassignment or Designation within a period of three (3) years from the date of assumption.
- 4.6.** Except in the case of Collectors of Customs, newly promoted employees shall not be considered for Reassignment within a period of one (1) year from date of assumption.
- 4.7.** The following Customs Officers shall remain in the same area of assignment for three (3) years only unless sooner revoked or in a Hold-Over Capacity:
  - 4.7.1.** District Collectors, Deputy District Collectors and Subport Collectors;
  - 4.7.2.** Customs Officers with Assessment Functions;
  - 4.7.3.** Customs Officers with Operations Functions;
  - 4.7.4.** Customs Officers with Intelligence and Enforcement Functions assigned in ports; and
  - 4.7.5.** Customs Officers under the Account Management Office; Risk Management Office; and X-ray Inspection Project personnel assigned in the field offices.<sup>9</sup>

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<sup>9</sup> cf. CMTA, Title II, Chapter 1, Section 201(f)

- 4.8.** In all cases of Reassignments and Designations, proper turnover of all accountabilities shall be complied with.
- 4.9.** Reassignment shall either be with or without consent of the employees.
  - 4.9.1.** Reassignment with consent pertains to Reassignment resulting from personal applications for valid reasons which shall be governed by the following rules:
    - 4.9.1.1** The consent of the chief/head of the receiving and releasing group/service/office/division/port shall be secured by the applicant provided that, consent shall not be given if the existing complement shall fall below eighty percent (80%) of the plantilla positions;
    - 4.9.1.2.** The Reassignment shall last until revoked except for the personnel referred to in Section 4.7. who shall, in no case, remain in the same assignment for more than 3 years.
    - 4.9.1.3** The employee shall assume the new assignment within ten (10) working days upon personal receipt of the order. Failure to do so, shall invalidate the order and the employee shall remain in his current assignment.
  - 4.9.2.** Reassignment without consent shall cover those resulting from the regular Reassignment every three (3) years of specific Customs Officers referred to under Section 4.7 and those resulting from recommendations/directives of higher authorities for valid reasons and shall be governed by the following rules:
    - 4.9.2.1.** Such Reassignment is presumed to be regular and made in the interest of public service and shall not constitute Constructive Dismissal as defined under the following:
      - a)** Reassignment of an employee to perform duties and responsibilities inconsistent with the duties and responsibilities of his/her position such as from a position of dignity to a mere servile or menial job;
      - b)** Reassignment to an office not in the existing organizational structure;
      - c)** Reassignment to an existing office but the employee is not given any definite duties and responsibilities nor work provisions;

**d)** Reassignment that will cause significant financial dislocation or will cause difficulty or hardship on the part of the employee because of geographic location; and

**e)** Reassignment that is done indiscriminately or whimsically because the law is not intended as a convenient shield for the appointing/disciplining authority to harass or oppress a subordinate on the pretext of advancing and promoting public interest.<sup>10</sup>

**4.9.2.2.** Reassignments may be made within the same collection district, or to another collection district within the same region or to another collection district in another region, in accordance with the Employee Reassignment Plan (ERP) to be designed by HRMD.

**4.9.2.3.** The employee must assume the new assignment within ten (10) working days upon personal receipt of the order. Failure to do so shall be a ground for the filing of an administrative case against the employee.

**4.9.2.4.** One-way transportation allowance and accommodation allowance for the first three (3) months shall be authorized in case of Reassignment from one collection district to another collection district in a different region, e.g. from any Metro Manila Port (NCR) to Port of Clark (Region III), subject to the usual accounting and auditing rules and regulations.

**4.10.** Designations of Customs Personnel shall be governed by the following rules:

**4.10.1.** Designations shall only be made for:

**4.10.1.1** Positions with incumbents who temporarily cannot perform the duties of the position for valid reasons, e.g. vacation leave, sick leave, study leave, special assignments, and the like, in which case the Designation shall be synchronized with the Absence of the incumbent provided that in no case shall the Designation exceed one (1) year.<sup>11</sup> The Designation shall only be as Officer-in-Charge (OIC).

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<sup>10</sup> cf. Civil Service Commission, MC No. 2, s. 2005 subsection 7 (a)

<sup>11</sup> cf. Civil Service Commission MC No. 6 s. 2005, Section C

**4.10.1.2.** Positions without incumbents, meaning the position is vacant while awaiting its filling-up by a permanent appointee, in which case the Designation shall only be made for a maximum of one (1) year,<sup>12</sup> subject to renewal. The Designation shall be in an Acting capacity.

**4.10.1.3.** Positions in an ad-hoc office/division/port of the Bureau, the Designation should be synchronized with the existence of the ad-hoc office/division/port provided that in no case shall it exceed one (1) year, subject to renewal. The Designation shall be in an Acting capacity.

Officers designated in an Acting capacity may discharge all the powers and functions of the position, while officers designated as an OIC may only discharge ministerial functions of the position and may not exercise discretionary powers.

**4.10.2.** In no case may personnel holding a lower plantilla position be designated to a position wherein the former will supervise personnel with higher plantilla position.

**4.10.3.** Personnel to be designated to higher positions must possess the minimum requirements of the position to which he or she is to be designated in terms of education, civil service eligibility, training and experience, and must comply with following requirements:

**4.10.4.1.** For Designation as Acting COO III/Acting COO IV/Acting COO V/Acting Assistant and Chief Assessment/ Acting Deputy Collector for Assessment/Acting Port Collector/ Acting District Collector, the designee must have completed or must complete trainings on: Basic Assessment, WTO Valuation System; Tariff Classification Rules; Rules of Origin; Intellectual Property Rights; and other similar appropriate trainings.

**4.10.4.2.** For Designation as Acting Assistant Division Chief/Acting Division Chief/Acting Port Collector/Acting District Collector, the designee must have completed or must complete the CSC Supervisory Development Course or other similar course on basic management and supervision.

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<sup>12</sup> cf. Civil Service Commission MC No. 6 s. 2005, Section D

**4.10.4.3.** For Designation as Acting District Collector/Acting Service Director, the candidates shall be required to submit an Action Plan on how to improve the District/Service Operations.

Trainings that may be required for other positions shall be determined by the Interim Training and Development Division (ITDD) for approval by the Deputy Commissioner, IAG.

**4.10.4.** Multiple Designations involving incompatible offices or where Conflict of Interest may occur shall not be allowed.

**4.10.5.** Designees cannot be granted the salaries of the positions they are being designated to, except for allowances that go with the performance of functions, such as Representation Allowance Transportation Allowance (RATA).

**4.10.6.** First level employees shall not be designated to Second level positions.  
Second level employees shall not be designated to Third level positions except Division Chiefs and officials with salary grades 24 and 25.

In case of Absence or disability of a District Collector, or in case of vacancy, the most Senior Deputy District Collector pursuant to the definition from Section 3.14 shall temporarily discharge the duties of the District Collector.

Should there be no Deputy District Collector, the District Collector shall designate, in writing, a Senior ranking Customs Officer to temporarily perform the duties of the District Collector. If there are two (2) or more Senior ranking Customs Officers, the provisions of Section 3.14 shall apply.

The District Collector shall report the Designation to the Commissioner within twenty four (24) hours after the Designation.<sup>13</sup>

In case the Absence will be prolonged or a real vacancy eventually occurs, evaluation of candidates for Designation shall be in accordance with the rules and regulations of this CAO.

**4.10.7.** Personnel with a pending administrative case involving grave offenses in relation to official functions for which the penalty is

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<sup>13</sup> cf. CMTA, Title II, Chapter 2, Section 212.



dismissal from the service shall not be considered for Designation to a higher position.

**Section 5. Operational Provisions.**

**5.1.** To support the processes herein prescribed, the Human Resource Management Division (HRMD) shall develop a Human Resource Information System (HRIS), an ICT-enabled system designed and developed to record, process, retrieve, update and generate reports of BOC employee information.

**5.2.** An Assignment, Reassignment and Designation Evaluation Committee (ARDEC) to deliberate on Reassignments of personnel referred to in Section 4.7 and Reassignments and Designations of District Collectors and Service Directors is hereby constituted with the following members:

Chairman – Deputy Commissioner, IAG

Vice-chairperson – Deputy Commissioner, AOCG

Members – Director, Administration Office

Director, Legal Service

Representative, BOCEA

Other Officials as maybe invited by the Deputy Commissioner, IAG

A responsible ranking official from the DOF, in case of Reassignments and Designations of District Collectors and Service Directors.

The customs officials who are members of this committee shall personally be present during the deliberations and no representative shall be allowed. Majority of the members shall constitute the quorum.

In the case of District Collectors and Service Directors, they shall undergo a competency validation such as interview or written test.

- 5.3.** At the end of every quarter, HRMD shall generate the list of Customs Personnel identified in Section 4.7. who have completed three (3) years of Assignment and are therefore due for the regular Reassignment under Section 4.9.2. HRMD shall then prepare the recommendation for Reassignment in accordance with the design of the ERP for deliberation by the ARDEC and recommendation to the Commissioner. Upon approval of the Commissioner, the corresponding Customs Personnel Order shall be prepared and issued by the designated authority under Section 5.5.
- 5.4.** Application and recommendations for Reassignment under Section 4.9.1 and Designations under Section 4.10 shall be processed by the concerned Administrative Division or HRMD in accordance with the rules herein prescribed.
- 5.5.** Authority for Issuance of Reassignment or Designation Order:
- 5.5.1.** Reassignment or Designation Orders of District Collectors and Service Directors shall be issued by the Commissioner of Customs and subject to the approval of the Secretary of Finance. The corresponding Customs Personnel Order (CPO) shall be prepared and numbered by the HRMD.
- 5.5.2.** Reassignment or Designation Orders of personnel from Salary Grades 20 to 25 except District Collectors shall be issued by the Commissioner of Customs upon recommendation of the concerned District Collectors or Directors or Deputy Commissioners. The corresponding Customs Personnel Order (CPO) shall be prepared and numbered by the HRMD.
- 5.5.3.** Reassignment or Designation Orders of personnel from Salary Grades 19 and below involving movement from one Service or Port or Group to another shall be issued by the Deputy Commissioner, Internal Administration Group upon recommendation of the concerned District Collectors or Directors. The corresponding Customs Personnel Order (CPO) shall be prepared and numbered by the HRMD, with a copy immediately furnished to the Office of the Commissioner.
- 5.5.4.** Reassignment or Designation Orders of personnel from Salary Grades 19 and below involving movement within the Collection Districts and its subports only shall be issued by the District Collector upon recommendation of the Deputy Collector for Administration or its equivalent unit. The corresponding District Customs Personnel Order (DCPO) shall be prepared and numbered by the Administrative Division, copy furnished the

Office of the Commissioner and HRMD for post evaluation and recording within five (5) working days from issuance.

- 5.5.5.** Reassignment or Designation Orders of personnel within the same Group with Salary Grades 19 and below shall be issued by the concerned Deputy Commissioner, upon recommendation of their respective Director. The corresponding Group Customs Personnel Order (GCPO) shall be prepared and numbered by the Group, copy furnished the Office of the Commissioner and HRMD for post evaluation and recording within five (5) working days from issuance.
- 5.6.** A valid Customs Personnel Order, issued by a higher official may not be superseded or revoked by a lower official unless the Customs Personnel Order has expired.
- 5.7.** Any GCPO or DCPO not transmitted to HRMD shall be considered not to have been issued and shall have no force and effect.
- 5.8.** A post evaluation of Reassignments and Designations to positions with Salary Grades 19 and below shall be immediately made upon receipt by the HRMD. Any defect in the Assignment, Reassignment and Designation shall be corrected accordingly by the issuing authority upon the recommendation of the HRMD. Otherwise, the HRMD shall recommend to the Commissioner to declare the same as invalid.
- 5.9.** The HRMD and Administrative Division or equivalent unit in the district shall monitor and keep track of the period of validity of all Assignment, Reassignment and Designation Orders and shall take appropriate action thereon.
- 5.10.** Any willful or intentional violation of this Order shall be a ground for the filing of an administrative case against the responsible officers before the appropriate body.

**Section 6. Transitory Provisions.** Within one (1) month from the effectivity of this Order, the HRMD shall submit to the Commissioner and Deputy Commissioner, IAG the list of all personnel enumerated under Section 4.7 who have already stayed in their present position for three (3) years or more.

**Section 7. Periodic Review.** Unless otherwise provided, this Order shall be reviewed every three (3) years and be amended or revised, if necessary.

**Section 8. Repealing Clause.** This is the first CAO dealing specifically on Assignments, Reassignments and Designations and this repeals previously issued

CMO Nos. CMO 31-2008, CMO 29-2008, CMO 32-2007, CMO 03-2006, CMO 17-2006 which are inconsistent with the provisions herein stated.

**Section 9. Separability Clause.** If any part of this CAO is declared unconstitutional or contrary to existing laws, other parts not so declared shall remain in full force and effect.

**Section 10. Effectivity.** This CAO shall take effect fifteen (15) days after its publication at the Official Gazette or a newspaper of national circulation.

The Office of National Administrative Register (ONAR) of the UP Law center shall be provided three (3) certified copies of this CAO.

**NICANOR E. FAELDON**

Commissioner

Approved:

**CARLOS G. DOMINGUEZ III**

Secretary

**Informational Section.** As the title denotes this section only provides information and does not give rise to any substantive or formal rights or obligations.

1. **History.**

- This is the first CAO dealing on Assignments, Reassignments and Designations.
- The collection, recording, storage maintenance, processing, sharing of data and informations; and maintenance of data information in the CAO shall be secured and consistent with the principles and policy of Republic Act 10173, also known as the "Data Privacy Act."

2. **Related Policies.**

- RA 10863 An Act Modernizing the Customs and Tariff
- Civil Service Commission, Memorandum Circular No. 2, s. 2005, Revised Rules on Reassignment
- Civil Service Commission Memorandum Circular No. 6 s. 2005, Revised Rules on Designations
- CSC Omnibus Rules Implementing Book V of EO 292, otherwise known as the Revised Administrative Code of 1987

3. **Webpage, Forms, Handbooks and other References.**

- a. <http://www.customs.gov.ph>
- b. <http://www.csc.gov.ph>