



DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
KAGAWARAN NG KAPALIGIRAN AT LIKAS YAMAN



JUN 13 2024

MEMORANDUM CIRCULAR
No. 2024- 03

SUBJECT : GUIDELINES IN THE FILING AND PROCESSING OF APPLICATIONS FOR OPTIONAL RETIREMENT, REQUESTS FOR AUTHORITY TO TRANSFER, AND TENDER OF RESIGNATION

Pursuant to Republic Act (RA) 10154¹, Civil Service Commission Resolution No. 1800692², and DENR Administrative Order No. 2022-09³, and to ensure accountability among officials and employees in the Department, this Guidelines is hereby adopted.

SECTION 1. Basic Policy. It is the policy of the State to ensure that public officials and employees shall at all times be accountable to the people. It is likewise the policy of the State to ensure the timely and expeditious release of retirement/separation benefits of officials and employees.

SECTION 2. Objectives. With this Guidelines, the Department aims:

- 2.1. To set a standard procedure that will facilitate actions on applications for voluntary separation, specifically optional retirement and resignation, and requests for transfer of employment in the government service;
- 2.2. To establish internal controls in the filing and processing of applications for optional retirement and resignation, and transfer to another government office;
- 2.2. To ensure the highest degree of work accountability among officials and employees.

SECTION 3. Scope and Coverage. This Guidelines shall apply to all DENR officials and employees seeking approval of voluntary separation from employment in the Department through optional retirement, resignation, or transfer to another government office.

¹ RA 10154, "An Act Requiring All Concerned Government Agencies to Ensure the Early Release of the Retirement Pay, Pension, Gratuities and Other Benefits of Retiring Government Employees"

² CSC Resolution No. 1800692, "2017 Omnibus Rules on Appointments and Other Human Resource Actions (Revised July 2018)"

³ DAO 2022-09, "Manual of Authorities on Human Resource Matters"

SECTION 4. Definition of Terms. As used in this Circular, the following terms shall be defined as:

- a. **Retirement**⁴ is the act of leaving the government service after rendering at least fifteen (15) years of service. In the case of optional retirement, the official/employee has not yet reached the compulsory retirement age of 65 years old.
- b. **Resignation**⁵ is an act of an official or employee by which he/she voluntarily relinquishes in writing his/her position on a specific date which shall not be less than thirty (30) days from the date of such notice or earlier as mutually agreed upon by the employee and the appointing officer/authority.
- c. **Transfer**⁶ is the movement of employee from one position to another which is of equivalent rank, level or salary without gap in the service involving the issuance of an appointment. For purposes of this Memorandum Circular, this shall mean movement from the DENR to another agency or government office.
- d. **Pending Case**⁷ is construed as such when the disciplining authority has issued a formal charge or a notice of charge/s to the respondent.
- e. **Approving authority** is the official vested with the powers to act on applications for optional retirement, tender of resignation, and request for issuance of authority to transfer, as provided in the DENR Manual of Authorities on HR Matters.

SECTION 5. Documentary Requirements. The following documents shall be required for submission:

- a. **Optional Retirement**
 - i. Letter of intent, indicating the reason for one's decision for optional retirement and the intended date of retirement;
 - ii. Endorsement from the Immediate Supervisor and Head of Office;
 - iii. Certified copy of the latest performance rating;
 - iv. Certification of No Pending Case issued by the Chief, Legal Division/Unit (regional/field offices and bureaus);
 - v. Certification of No Pending Case issued by the Chief, Internal Affairs Division, Legal Affairs Service (SG 24 and above appointees and DENR Central Office employees);
 - vi. Ombudsman Clearance issued not earlier than a month prior to the filing of intent to retire; and
 - vii. Declaration of Pendency/Non-Pendency of Case (*Annex A*).

⁴ Republic Act No. 8291, "Revised Government Service Insurance Act of 1997"

⁵ CSC Resolution No. 1800692 dated 03 July 2018, Section 104 under Rule X

⁶ *Ibid.*, Section 11.c under Rule IV

⁷ CSC Resolution No. 1300237 dated 30 January 2013, Section 5 under Rule III

b. Transfer

- i. Request for issuance of Authority to Transfer, specifying the government office, appointment being offered thereat, and intended date of transfer;
- ii. Copy of appointment paper or job offer
- iii. Endorsement from the Immediate Supervisor and Head of Office;
- iv. Certified copy of the latest performance rating;
- v. Certification of No Pending Case issued by the Chief, Legal Division/Unit (regional/field offices and bureaus);
- vi. Certification of No Pending Case issued by the Chief, Internal Affairs Division, Legal Affairs Service (SG 24 and above appointees and DENR Central Office employees); and
- vii. Declaration of Pendency/Non-Pendency of Case (*Annex A*).

c. Resignation

- i. Letter of intent, indicating the reason for one's decision to resign and the intended date of resignation;
- ii. Endorsement from the Immediate Supervisor and Head of Office;
- iii. Certified copy of the latest performance rating;
- iv. Certification of No Pending Case issued by the Chief, Legal Division/Unit (regional/field offices and bureaus);
- v. Certification of No Pending Case issued by the Chief, Internal Affairs Division, Legal Affairs Service (SG 24 and above appointees and DENR Central Office employees);
- vi. Ombudsman Clearance issued not earlier than a month prior to the filing of intent to resign; and
- vii. Declaration of Pendency/Non-Pendency of Case (*Annex A*).

SECTION 6. Authority to Act on Intent to Retire, Tender of Resignation, and Issuance of Authority to Transfer. Under the principle that the power to appoint carries with it the power to remove, only the appointing authority shall be authorized to act on any intent for voluntary separation from government service or the DENR. The Secretary may, however, delegate such powers to authorized officials through the DENR Manual of Authorities on HR Matters.

For third level appointees, acceptance shall be made by the Office of the President, upon endorsement of the DENR Secretary.

SECTION 7. Prescribed Period for Filing. The following minimum period shall be strictly observed in the filing of intent to retire, tender of resignation, and authority to transfer:

- a. Intent to retire before the compulsory retirement age of 65 years old shall be submitted to the approving authority at least 120 days before the intended date of optional retirement.

- b. Tender of resignation shall be filed and must reach the office of the approving authority at least thirty (30) days before the intended last day in government service.
- c. A request for authority to transfer must be received at the office of the approving authority at least thirty (30) days before the intended date of transfer to another government office.

SECTION 8. Evaluation of Documents. The respective Chiefs, Administrative Division/Unit in the regional offices and bureaus shall evaluate the requests/intent and review the completeness of supporting documents before transmitting these to the approving authority.

SECTION 9. Officials and Employees with Pending Case. If the official or employee has a pending administrative/criminal case, the Chief of the Administrative Division/Unit shall refer the documents to the Legal Unit/Division/Legal Affairs Service to determine if retirement benefits must be lawfully withheld due to possible pecuniary liability or penalty of dismissal from the service.

SECTION 10. Prescribed Forms. Acceptance of intent for voluntary separation and authority to transfer shall be issued using the prescribed forms (*Annexes B, C, and D*). Effectivity date on the Acceptance shall be stamped upon submission of complete of documentary requirements.

SECTION 11. Pendency of Acceptance. Pending receipt of notice of acceptance or issuance of Authority to Transfer, the official or employee shall remain in office and retain all the powers, duties and responsibilities appurtenant thereto. Further, the office shall not release the retirement benefits prior to receipt of notice of acceptance issued by the authorized official.

If the official or employee changes his/her mind, the intent to retire/resign/transfer may be withdrawn at any time prior to receipt of notice of acceptance. The withdrawal must be communicated in writing to the approving authority. However, once the optional retirement/resignation/transfer is complete and operative, the withdrawal thereof shall not automatically restore the employee to his/her former position. Acceptance of the withdrawal shall be required.

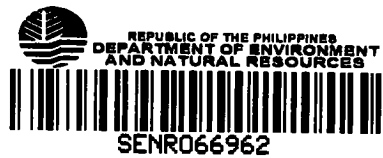
SECTION 12. Requirement upon Acceptance of Intent to Retire/Resign/Transfer. Upon receipt of acceptance, the official or employee shall secure the required clearance from money, property and work-related accountabilities using the prescribed Office Clearance form.

SECTION 13. Separability Clause. If any provision of this Circular shall be held invalid or unconstitutional, the other portions or provisions hereof which are not affected shall continue in full force and effect.

SECTION 14. Repealing Clause. All Circulars and other similar issuances inconsistent herewith are hereby revoked, amended, or modified accordingly.

SECTION 15. Effectivity. This Circular shall take effect immediately.


MARIA ANTONIA YULO LOYZAGA
Secretary



DECLARATION OF PENDENCY/NON-PENDENCY OF CASE

I, _____, Filipino, of legal age, with permanent address at _____, and holder of the position _____ at the _____, after being sworn in accordance with law, hereby depose and state that:

1. I am:
 - 1.1 applying for optional retirement effective _____
 - 1.2 tendering my resignation effective _____:
2. I have:
 - 2.1 no pending case¹
 - 2.2 a pending case
 - administrative disciplinary case
 - criminal case
3. The NATURE/SPECIFIC OFFENSE CHARGED in the pending criminal/ administrative disciplinary case is: _____
4. The venue of the investigation/trial: _____
5. On appeal: YES NO
6. The appeal is pending before: _____
7. I am executing this Declaration of Pendency/Non-Pendency of Case to attest to the truth of the foregoing facts and to enable me to process and secure the release of my retirement benefits.
8. By executing this Declaration of Pendency/Non-Pendency of Case, I hereby authorize the Head of Agency to verify the status of any case(s) filed against me in any forum.
9. Further, I am executing this Declaration of Pendency/Non-Pendency of Case under pain of criminal and/or administrative liability under existing laws.

Signature over Printed Name

SUBSCRIBED AND SWORN to before me this ____ day of _____, affiant exhibiting to me his/her _____.

Person Administering Oath

¹ A pending case shall refer to both criminal and administrative disciplinary case. An administrative disciplinary case is considered when the disciplining authority has issued a formal charge or a notice of charge to the respondent, while a criminal case shall be considered pending from the time an Information or Complaint is filed in court.



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ACCEPTANCE OF OPTIONAL RETIREMENT

NAME
Position
Office/Division
Address

Sir/Madam:

In reply to your Letter dated _____, relative to your application for optional retirement from the government service, may I inform you that the same is hereby accepted to take effect on (Date of Effectivity of Optional Retirement).

Your services while employed from this Office have been rated as _____ for your reference.

Very truly yours,

APPROVING AUTHORITY
Position

Received by: _____
Signature over Printed Name
of Official/Employee

Date _____



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ACCEPTANCE OF RESIGNATION

NAME
Address

Sir/Madam:

In reply to your Letter dated _____, tendering your resignation from the position of (Position Title) in (Name of Office), may I inform you that the same is hereby accepted to take effect on (Date of Effectivity of Resignation).

Your services while employed from this Office have been rated as _____ for your reference.

Very truly yours,

APPROVING AUTHORITY
Position

Received by: _____
Signature over Printed Name
of Official/Employee

Date _____



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AUTHORITY TO TRANSFER

NAME
Address

Sir/Madam:

In reply to your Letter dated _____, relative to your request for authority to transfer to the (Name of Office) in view of your appointment to the position of (Position Title), may I inform you that the same is hereby approved to take effect on (Date of Effectivity of Transfer).

Your services while employed from this Office have been rated as _____, for your reference.

Very truly yours,

APPROVING AUTHORITY
Position

Received by: _____
Signature over Printed Name
of Official/Employee

Date _____