



# Boy Scouts of the Philippines

## National Office

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### NATIONAL OFFICE MEMORANDUM

Number 47, s. 2018



TO : **Division Directors/Heads of Offices, Regional Scout Directors, Council Scout Executives and Officers-in-Charge**

SUBJECT: **RULES AND REGULATIONS ON MANDATORY RETIREMENT**

Per our records, it has been observed that quite a number of Local Councils are still managed and administered by Council Scout Executives/Officers-in-Charge (CSEs/OICs) who are past the mandatory retirement age of sixty-five (65) years old and their performance had affected the over-all operations of the Local Councils, thus, affecting BSP's achievement of its Major Final Outcome (MFO) which is Membership Growth through Organizational Excellence. There have also been requests of extension of service of CSEs/OICs from the Local Councils.

As a government-owned and/or controlled corporation (GOCC), the Boy Scouts of the Philippines (BSP) is covered and mandated to strictly comply with existing civil service rules and regulations on mandatory retirement. Hereunder are pertinent rules and regulations that BSP and all its Local Councils have to strictly abide and comply with; viz:

1. Pursuant to Civil Service Commission Resolution No. 1101502 promulgated on November 08, 2011, **the compulsory retirement age in government service is 65 years old**. Under the Philippine Labor Code, **the default mandatory retirement age is at least 60 years but not over 65 years old**. It is therefore incumbent upon the Local Council Executive Board to ensure compliance to these provisions of the law.
2. Pursuant to the Implementing Rules and Regulations (IRR) of RA 10154, Section 8, Rule IV as amended, the employer where the retiree will retire is responsible for the following:
  - a. Send a letter to the employee not later than one (1) year prior to the effectivity date of his/her retirement, informing him/her to submit his/her expression of intent to retire as provided under Section 9 of the, and notifying him/her to submit the necessary documents at least one hundred (100) days prior to the effectivity date of his/her retirement. In the case of CSEs/OICs, the Local Council Executive Board (LCEB) through the Council Chairman/Regional Scout Director shall send this letter to the retiring CSE/OIC;
  - b. If discrepancy in the retiree's personal records was noted, the notice/letter shall also include an advice to the retiree to make the necessary corrections based on available records in the Council;
  - c. Compute the retiree's total number of accumulated years of service in the Council based on Council records;

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- d. Pursuant to RA 7641 and Art. 287 of PD 442, ***"In the absence of a retirement plan or agreement providing for retirement benefits of employees in the establishment, an employee upon reaching the age of sixty (60) years or more, but not beyond sixty-five (65) years which is hereby declared the compulsory retirement age, who has served at least five (5) years in the said establishment, may retire and shall be entitled to retirement pay equivalent to at least one-half (1/2) month salary for every year of service, a fraction of at least six (6) months being considered as one whole year";***
- e. Upon submission of an employee's written intent to retire, provide the employee with the retirement application form with the accompanying checklist of all the requirements for retirement purposes per ***COA Circular No. 2012-001 dated June 14, 2012 entitled "Revised Documentary Requirements for Common Government Transactions".*** (Annex A)

The Council may also include in the checklist other documentary requirements it will require the retiree to submit to the Council.

- f. Regarding extension of service, pursuant to Sec. 98 of CSC Resolution No. 1101502, ***"The only basis for Heads of Offices to allow an employee to continue rendering service after his/her 65th birthday is a Resolution of the Commission granting the request for extension. Absence of such resolution, the salaries of the said employee shall be for the personal account of the responsible official".***
3. Pursuant to the Implementing Rules and Regulations (IRR) of RA 10154, Section 7, Rule III and Section 9, Rule IV as amended, the employee shall:
- a. Submit a written expression of intent to retire indicating the desired date of retirement at least one hundred twenty (120) days prior to his/her retirement date;
  - b. Submit the complete documentary requirements prescribed by the employer-agency not later than one hundred (100) days prior to the actual/intended date of retirement; and
  - c. Execute a statement under oath declaring whether or not he/she has a pending case, as herein defined. In the event that he/she has a pending case, he/she shall disclose the nature and status of the same.

The oath may be administered by a notary public or any administering officer of the employer-agency designated by the head of the agency.

The retiree shall use the form for the Declaration of Pendency/Non-Pendency of Case attached as "Annex B".

4. Furthermore, per Civil Service Commission (CSC) Memorandum Circular (MC) No. 27 dated 08 October 2001, Section 12, Rule XIII Of Memorandum Circular No. 15, s. 1999 and Section 129, Rule XII of the 2017 Revised Omnibus Rules on Appointments and Other Human Resource Actions (2017 ORA-OHRA provides that, ***"The only basis for Heads of Offices to allow an employee to continue rendering service after his/her 65th birthday is a Commission Resolution granting the extension of service. In the absence of such resolution, the said employee shall not be authorized to perform the duties of the position and his/her salaries shall be the liability of the official responsible for the continued service of the employee."***

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Furthermore, **"no person who has reached compulsory retirement age of 65 can be appointed to any position in the government."**

For the National Office, the responsibility to comply with the aforementioned rules and regulations on mandatory retirements rests on the Administration Division-HRM Office.

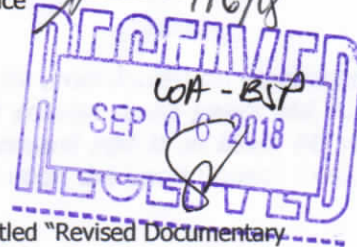
It is worth noting that complying strictly with these rules and regulations will enable the employer and employee to prepare for an employee's retirement six (6) months in advance, having ample time to comply with documentary requirements and required clearances and ensure payment of retirement benefits as required by law.

We will also be giving our retirees the chance to discover the next phase of their lives by enjoying their retirement plans and benefits that they've worked hard for. It will also allow the BSP to discover, develop and utilize the knowledge, skills and experiences of the younger breed of BSP workforce to provide the much needed energy and fresh ideas towards the achievement of our goals and objectives.

For information, guidance and strict compliance of all concerned.

  
**ROGELIO S. VILLA, JR.**  
Secretary General

cc : National President ATTY. WENDEL E. AVISADO  
Secretary General ENGR. ROGELIO S. VILLA, JR.  
Director FLORENCIO B. ATINYAO, Administration Division  
Acting Director JOSE PATRICK R. DE LEON, Finance Division  
Acting Director, SINFONIO D. HONTANOSAS, Field Operations Division  
Internal Auditor JOSEPH FLORANTE C. ALVARO, Internal Audit Office  
Regional Scout Directors  
COA Resident Auditor  
Human Resource Management Unit  
Central Records  
Local Council Chairmen



Ends: **Annex A** : COA Circular No. 2012-001 dated June 14, 2012 entitled "Revised Documentary Requirements for Common Government Transactions"

**Annex B** : Declaration of Pendency/Non-Pendency of Case

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