

CLARIFICATION ON THE COVERAGE OF THE CAREER EXECUTIVE SERVICE (CES)

CESO RESOLUTION NO. 945, June 14, 2011

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WHEREAS, pursuant to paragraph 1, Article IV, Part III of the Integrated Reorganization Plan (IRP), as implemented by Presidential Decree No. 1, as amended, dated September 24, 1972, a Career Executive Service is created to form a continuing pool of well selected and development oriented career administrators who shall provide competent and faithful service;

WHEREAS, paragraphs 2 and 5, Article IV, Part III of the IRP, as amended, mandated the Career Executive Service Board (CESB) as the governing body of the Career Executive Service (CES), to promulgate rules, standards and procedures on the selection, classification, compensation and career development of members of the Career Executive Service (CES);

WHEREAS, Section 8 (2) Chapter 2, Subtitle A, Title I, Book V of the Administrative Code of 1987 provides that "(e)nterance to the third level shall be prescribed by the Career Executive Service Board";

WHEREAS, Section 8, Chapter 2, Subtitle A, Title I, Book V of the Administrative Code of 1987 also provides that classes of positions in the career service shall be grouped into three major levels:

- (a) The first level shall include clerical, trades, crafts, and custodial service positions which involve non-professional or sub-professional work in a non-supervisory capacity requiring less than four years of collegiate studies;
- (b) The second level shall include professional, technical and scientific positions which involve professional, technical, or specific work in a non-supervisory or supervisory capacity requiring at least four years of college work up to Division Chief level;
- (c) The third level shall cover positions in the Career Executive Service;

WHEREAS, Section 7 (3), chapter 2, Subtitle A, Title 1, Book V of the Administrative Code of 1987 states that the career service shall include positions in the Career Executive Service namely; Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director, Assistant Regional Director, Chief of Department Service and other offices of equivalent rank as may be identified by the Career Executive Service Board, all of whom are appointed by the President;

WHEREAS, on May 19, 2009, the Board issued CESB Resolution No. 799, circularized in Memorandum No. 3, s. 2009, which classified the following positions as within the coverage of the Career Executive Service (CES), to wit:

- (a) The Career Executive Service includes the positions of Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director (department-wide and bureau-wide), Assistant Regional Director (department-wide and bureau-wide), and Chief of Department Service; V r
- (b) Unless provided otherwise, all other managerial or executive positions in the government, including government-owned or controlled corporations with original charters are embraced within the CES provided

that they meet the following criteria:

- The position is a career position;
- The position is above division chief level; and,
- The duties and responsibilities of the position require the performance of executive and managerial functions.

WHEREAS, on November 23, 2010, the Supreme Court in the case of PCSO V. CSC, G.R. No. 185766 and GR. No. 185767 limited the coverage of positions belonging to the CES to positions requiring Presidential appointments.

WHEREAS, in the same vein, CES positions have now become synonymous to third level positions by virtue of the said ruling.

WHEREFORE, foregoing premises considered, the Board RESOLVES, as it is hereby RESOLVED, to issue the following guidelines to clarify the policy on the coverage of CES and its classification:

1. For career service positions requiring Presidential appointments expressly enumerated under Section 7(3), Chapter 2, Subtitle A, Title 1, Book V of the Administrative Code of 1987 namely: Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director, Assistant Regional Director, and Chief of Department Service, no classification of positions is necessary to place them under the coverage of the CES, except if they belong to Project Offices, in which case a position classification is required in consultation with the Department of Budget and Management (DBM).
2. For positions requiring Presidential appointments other than those enumerated above, a classification of positions is necessary which shall be conducted by the Board, upon request of the head of office of the government department/agency concerned, to place them under the coverage of the CES provided they comply with the following criteria:
 - i. The position is a career position;
 - ii. The position is above division chief level; and
 - iii. The duties and responsibilities of the position require the performance of executive and managerial functions.

All appointments to positions which have not been previously classified as part of the CES would be deemed co-terminus with the appointing authority.

3. Positions Excluded from the Coverage of the Career Executive Service. The following executive and managerial positions are excluded from the coverage of the Career Executive Service:

- a. Managerial and executive positions which have fixed term of office as provided for in the charter of the agency or as specified by law;
- b. Managerial and executive positions in the non-career service which include the following:
 - i. Elective officials and their personal or confidential staff;
 - ii. Secretaries and other officials of cabinet rank who hold their positions at the pleasure of the President and their personal or confidential staff;
 - iii. Chairman and members of commission and boards with fixed terms of office and their personal or confidential staff;
 - iv. Contractual personnel or those whose employment in the government is in accordance with a special contract to undertake a specific work or job; and
 - v. Emergency and seasonal personnel.

c. Managerial and executive positions in the national government belonging to the closed career systems which

are administered by special bodies such as the Foreign Service Institute, Philippine National Police, State Universities and Colleges unless otherwise provided in their respective charters, the Scientific Career Service and the like.

d. The position of Head Executive Assistant.

e. Managerial and executive positions in local government units.

4. Status of Incumbents of Positions included under the coverage of the CES. Incumbents of positions which are declared to be Career Executive Service positions for the first time pursuant to this Resolution who hold permanent appointments thereto shall remain under permanent status in their respective positions. However, upon promotion, appointment or transfer to other Career Executive Service position these incumbents shall be under temporary status in said other Career Executive Service positions until they qualify.

5. Exemption from the coverage in the Career Executive Service. An agency may request the Board that a position be declared a non-CES position if the head of the agency believes that said position does not properly belong in the Career Executive Service. A request for exemption should be filed with Career Executive Service Board accompanied by appropriate justifications. The Board shall issue a decision on the matter within two (2) months from its receipt of such request.

6. Repealing Clause. All circulars, policies, issuances inconsistent herewith are hereby repealed.

7. Separability Clause. If any section or part of this resolution shall be held to be invalid, the remaining provisions shall be given full force and effect as if the part held invalid had not been included therein.

8. Effectivity Clause. This resolution shall take effect after fifteen (15) days following its publications in the Official Gazette or newspapers of general circulation in the Philippines.

Adopted: 14 June 2011

(SGD.) BERNARDO P. ABESAMIS

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Attested by:

(SGD.) GLENN NINO M. SARTILLO

Board Secretary

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