

IMPOSING A MORATORIUM ON THE GRANT OF CAREER EXECUTIVE SERVICE RANK TO GRADUATES OF THE NATIONAL DEFENSE COLLEGE OF THE PHILIPPINES

MEMORANDUM CIRCULAR NO. 35, October 02, 2023

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WHEREAS, Section 2, Article IX-B of the Constitution provides that appointments in the civil service shall be made only according to merit and fitness to be determined, as far as practicable, and, except to positions which are policy-determining, primarily confidential, or highly technical, by competitive examination;

WHEREAS, under Section 8, Chapter II, Book V of Executive Order (EO) No. 292 or the "Administrative Code of 1987," entrance to the third level (Career Executive Service [CES]) shall be prescribed by the CES Board (CESB);

WHEREAS, Section 1 of EO No. 145 (s. 2021) provides that graduates of the Master in National Security Administration (MNSA) program of the National Defense College of the Philippines (NDCP) who are appointed to CES positions shall be granted CES rank that is commensurate to their respective CES positions, subject to requirements to be prescribed and mandated by the CESB;

WHEREAS, one of the strategies on good governance and improving bureaucratic efficiency under the Philippine Development Plan 2023-2028 is to guarantee competent and agile human resources in the government, which includes strengthening the CES through the continuous updating of its programs, and the development of a new competency framework for the public sector;

WHEREAS, there is a need to re-evaluate the foregoing policy of granting CES rank to graduates of the MNSA program of the NDCP, in order to ensure that its objectives are consistent with existing laws, rules and regulations; and

WHEREAS, Section 17, Article VII of the Constitution vests in the President the power of control over all Executive departments, bureaus and offices, and the mandate to ensure the faithful execution of laws;

NOW, THEREFORE, to provide ample opportunity to study and re-assess the justifications for, as well as the policy implications of the grant of CES rank to graduates of the MNSA program of the NDCP, the following are hereby ordered:

Section 1. The implementation of EO No. 145 is hereby suspended, pending the study of the policy implications of EO No. 145, and consultations with relevant stakeholders, including the NDCP, to be conducted by the CESB.

Section 2. Within sixty (60) days from issuance of this Circular, the CESB shall submit to the Office of the President, through the Office of Executive Secretary, a comprehensive report on its findings together with its recommendations which shall include either the lifting of the moratorium or the revocation of EO No. 145, as may be appropriate.

Section 3. This Circular shall take effect immediately upon publication in the Official Gazette or in a newspaper of general circulation.

DONE, in the City of Manila, this 2[nd] of October, in the year of our Lord, Two Thousand and Twenty-Three.

By authority the President:

(SGD.) LUCAS P. BERSAMIN
Executive Secretary

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