

REVISED POLICY ON RECOMMENDATION FOR ORIGINAL AND PROMOTIONAL APPOINTMENT TO CAREER EXECUTIVE SERVICE (CES) RANKS OF OFFICIALS WITH PENDING CASES

CESO RESOLUTION NO. 946, June 14, 2011

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WHEREAS, Presidential Decree No. 1 dated September 24, 1972, created the Career Executive Service Board (CESB) to serve as the governing body of the Career Executive Service (CES) and mandated it to promulgate rules, standards and procedures in selection, classification, compensation and career development of members on the Career Executive Service;

WHEREAS, the same law provides that members of the Career Executive Service (CES) shall be classified according to rank based on broad levels of responsibility and on personal qualifications and demonstrated competence;

WHEREAS, the Board, prior to its recommendation to the President for appointment to a CES rank of qualified CES Eligibles, requires a candidate to submit clearances from various offices;

WHEREAS, Article III, Section 3 of CESB Resolution No. 798 s. 2009 provides for the guidelines on appointment to a CES rank of a CESO with pending cases;

WHEREAS, under existing rules, the Board recommends a CESO or CES eligible for appointment to a CES rank, even if he/she has pending cases, if after an exhaustive review of the cases, the Board finds that the cases do not involve moral turpitude;

WHEREAS in the case of *Villaber vs. COMELEC*, G.R. No. 148326 dated November 15 2011 moral turpitude is defined as "an act of baseness, vileness, or depravity in the private duties which a man owes his fellowmen, or to society in general, contrary to the accepted and customary rule of right and duty between man and woman, or conduct contrary to justice, honesty, modesty, or good morals";

WHEREAS, a number of officials who are being considered for appointment to CESO rank have pending cases filed against them;

WHEREFORE, based on the foregoing premises, the Board RESOLVES as it is hereby RESOLVED, to adopt a Revised Policy on Recommendation for Original and Promotional Appointment to Career Executive Service (CES) Ranks of Officials with pending Cases:

RULE I

With Respect to Cases Pending with the Office of the Ombudsman

Section 1. The Board shall, after exhaustive evaluation, recommend a CESO or a CES Eligible for appointment to a CES rank even if he/she has pending cases, under the following circumstances;

- a. If the cases filed do not involve moral turpitude; and
- b. Even if the cases filed involve moral turpitude, if the Board has reasonable grounds to believe that the cases

are purely harassment cases or constitute, malicious prosecution and the acts complained of arose from the performance of official functions

Section 2. In case of dismissal and/or exoneration from the charges filed, the official concerned shall furnish the Board a copy of the Decision/Order of Dismissal together with Certification that he/she has no pending criminal or administrative case.

RULE II

With Respect to Cases Pending with the Regular Courts or Quasi-Judicial Bodies

Section 1. The Board shall, after exhaustive evaluation, recommend a CESO or a CES Eligible for appointment to a CES rank even if he/she has pending cases, under the following circumstances;

- a. If the cases filed do not involve moral turpitude; and
- b. Even if the cases filed involve moral turpitude, if the Board has reasonable grounds to believe that the cases are purely harassment cases or constitute malicious prosecution and the acts complained of arose from the performance of official functions.

Section 2. In case of dismissal and/or exoneration from the charges filed, the official concerned shall furnish the Board a copy of the Decision/Order of Dismissal together with a Certification that he/she has no pending criminal or administrative case.

RULE III

With Respect to Cases Pending with the Sandiganbayan

Section 1. The Board shall not endorse the appointment to a CES rank of the official concerned until such time that he/she is finally cleared or exonerated from the charges.

RESOLVED FURTHER, that a copy of this Resolution be furnished the Office of the President-Search Committee for information and guidance.

Adopted: 14 June 2011

(SGD.) BERNARDO P. ABESAMIS

Chairperson

(SGD.) FRANCISCO T. DUQUE

Vice Chairperson

(SGD.) PROCESO T. DOMINGO

(SGD.) ANTONIO D. KALAW, JR.

Member

Member

(SGD.) JAIRUS D. PAGUNTALAN

(SGD.) SUSAN M. SOLO

Member

Member

(SGD.) ANGELITO M. TWANO

(SGD.) SUSANA D. VARGAS

Member

Member

Attested by:

(SGD.) GLENN NINO M. SARTILLO

Board Secretary

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