

THE CLASSIFICATION OF CES POSITIONS IN THE NATIONAL FOOD AUTHORITY (NFA)

CECB RESOLUTION NO. 999, February 15, 2012

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WHEREAS, Article IV, Part III of the Integrated Reorganization Plan provides that the Board shall promulgate rules, standards and procedures on the selection, classification, compensation and career development of members of the Career Executive Service (CES);

WHEREAS, CESB Resolution No. 799, s. 2009, defines the coverage of the CES and provides the following criteria for classifying executive or supervisory positions as CES positions:

- 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, the National Food Authority (NFA), through its Administrator, Hon. Angelito T. Banayo, requests the inclusion of its managerial positions in NFA's Plantilla of Career Executive Service (CES) positions. Hence, a position classification study of managerial positions in the NFA was conducted by the Secretariat;

WHEREAS, the NFA was created by virtue of the enactment of Presidential Decree (PD) No. 4, 1 November 1972, otherwise known as the "NATIONAL GRAINS AUTHORITY ACT OF 1972". The same was later amended by PD 699 and PD 1485;

WHEREAS, PD 1485, particularly Section 6 thereof, it is provided that:

"The Management of the Authority shall be vested in an Administrator who shall be appointed by the President of the Philippines****. The Administrator shall hold office for a term of six (6) years, excepts when earlier removed for cause, or until his successor shall have been appointed and qualified.

"There shall be two Deputy Administrators, appointed by the Council, who shall assist the Administrator in the performance of his functions.

"There shall also be Assistant Administrators as the Administrator may deem necessary to assist him in the performance of his functions to supervise and cover functional areas as the Administrator may determine with the consent of the Council.

"The Administrator shall appoint, remove, suspend or otherwise discipline, with the confirmation of the Council, other officers and employees as may be assigned and delegated to him by the Council."

WHEREAS, amendments were again introduced to PD 1485 with the passage of PD 1770 dated 14 January 1981, entitled "RECONSTITUTING THE NATIONAL GRAINS AUTHORITY TO THE NATIONAL FOOD AUTHORITY, BROADENING ITS FUNCTIONS AND POWERS AND FOR OTHER PURPOSES", wherein it is stated in Section 5 and 6 thereof that:

"Section 5. Applicability of Presidential Decree No. 4 as amended by Presidential Decree Nos. 699 and 1485.

Except as otherwise herein provided, the provisions of Presidential Decree No. 4, as amended by Presidential Decree Nos. 699 and 1485, shall govern the National Food Authority and shall be applicable to other food commodities mentioned immediately preceding paragraph as the National Food Authority Council may determine from time to time.

"Section 6. Composition of the National Food Authority Council.****

****". The Administrator of the National Food Authority shall be appointed by the President of the Republic of the Philippines.

"The Management of the Authority shall be vested in an Administrator who shall have the rank of a Minister and shall be assisted by two (2) Deputy Administrators and as many Assistant Administrators as may be determined by the Council and whose respective qualifications shall be the same as those provided for in the said Decree";

WHEREAS, it is clear from the provisions PD 1770, as amended, that the position of NFA Administrator does not come within the coverage of the CES since tenure thereto is subject to a term;

WHEREAS, it is informed that based on CESB's records, the following NFA positions have already been classified as part of the CES pursuant to the CESB Resolutions specified: paul

Department Manager III
and

Board Resolution No. 185, July 6, 1998-

Assistant Department
Manager II

Classifying Certain Executive Positions as CES Positions

Directors II and I

Minutes of Board Meeting No. 92-06, Oct 1, 1992-

Classification of Additional Third Level Executive Positions in the CES: Twenty (20) Positions in Three (3) Regular Agencies and Sixty Three (63) Positions in Five (5) GOCCs

WHEREAS, in the view of the ruling of the Supreme Court (SC) in the case of PCSO vs. CSC, G.R No. 185766, 23 November 2010 which pronounced that holders of positions which have been identified by the CESB as positions of equal rank must be Presidential appointees, it may be easily stated that the managerial positions of the NFA do not come within the purview of the coverage of the CES since appointment thereto are made by the NFA Council and/ or the NFA Administrator, "depending on the position. However, upon a closer examination of the SC ruling in the PCSO vs. CSC case, the same does not preclude agencies from opting to remain and/or be included within the coverage of the CES;

WHEREAS, the result of the inventory and study of managerial positions in the NFA shows that the said positions fall within the coverage of the CES since the positions are career above division chief levels;

WHEREAS, moreover, incumbents of the said positions vest in them significant responsibilities for formulating or administering agency or departmental policies and programs which are clear indications that the said positions entail performance of executive, managerial and supervisory functions;

NOW, THEREFORE, foregoing premises considered, the Board RESOLVES, as it is hereby RESOLVED, to include the following managerial positions in the National Food Authority (NFA) as part of its Plantilla of CES positions, to wit:

Salary Grade

Position Classified

Number of Positions

28

Deputy Administrator

2

27

Assistant Administrator

2

27

Manager of the Food Development Center

1

26

Department Manager III

12

26

Regional Manager II

15

25

Assistant Manager of the Food Development Center

1

25

Assistant Department Manager II

2

25

Assistant Regional Manager II

15

Total

50

PROVIDED, that the above classification shall only be for the purpose of requiring the possession of Career Executive Service (CES) eligibility for appointment to the above-mentioned positions and will not entail the appointment to Career Executive Service Officer (CESO) rank of the concerned appointees pending the policy amendment on CES coverage.

APPROVED, this 15th day of February 2012 in Quezon City, Philippines.

(Sgd.) BERNARDO P. ABESAMIS
Chairperson

(Sgd.) FRANCISCO T. DUQUE III
Vice Chairperson

(Sgd.) PROCESO T. DOMINGO
Member

(Sgd.) ANTONIO D. KALAW, JR
Member

(Sgd.) SUSAN M. SOLO
Member

ANGELITO M. TWAÑO
Member

(Sgd.) SUSAN D.VARGA
Member

Attested by:

(Sgd.) OCTAVIOUS CAESAR D. MACUSI
Acting Board Secretary

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