

Republika ng Pilipinas
Pambansang Pangasiwaan ng Patubig
(NATIONAL IRRIGATION ADMINISTRATION)
Lungsod ng Quezon

LABANAN
ANG
KAHIRAPAN



OFFICE ADDRESS: NATIONAL GOVERNMENT CENTER
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OUR REFERENCE:

MC No. 15, s. 2010

MEMORANDUM CIRCULAR

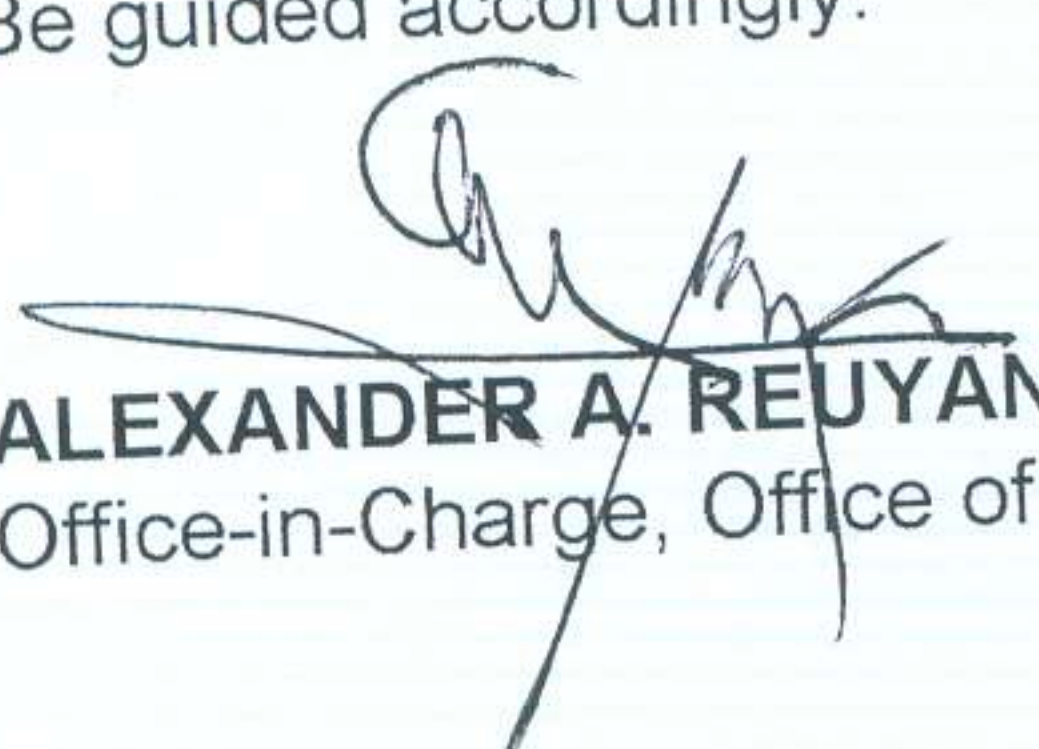
TO : THE DEPUTY ADMINISTRATORS, DEPARTMENT / REGIONAL /
OPERATION / PROJECT MANAGERS, DIVISION MANAGERS AND
OTHERS CONCERNED

SUBJECT: RULES AND PROCEDURES ON THE REVOCATION AND/OR
DEMOTION IN RANK OF A CESO FOUND GUILTY OF AN
ADMINISTRATIVE OFFENSE

Enclosed is a copy of Circular No. 2 series of 2010 of the Career Executive Service Board (CESB) embodying the above-cited subject which conveys, among others, that the authority to revoke or demote the rank, as the case may be, of a CESO is vested upon the President of the Philippines based upon the recommendation of the Board.

In addition, a CESO whose rank has been demoted shall accordingly receive the salary attached to his/her new demoted rank or the salary of the position he/she occupies, whichever is higher.

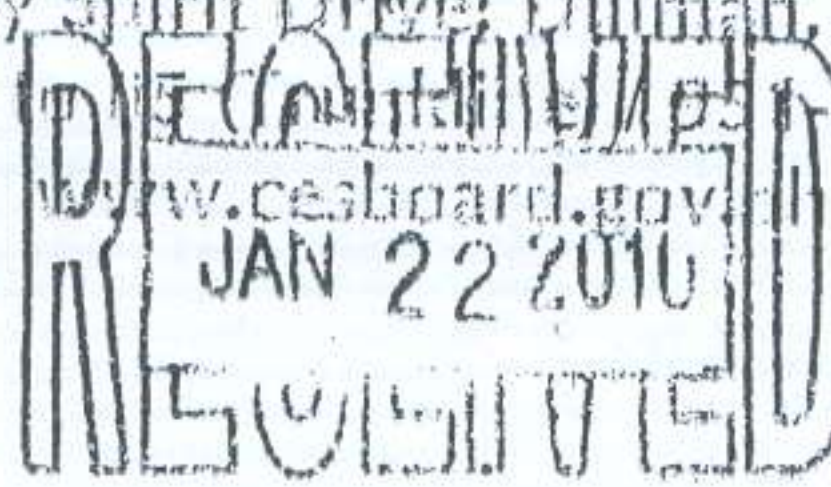
Be guided accordingly.


ALEXANDER A. REUYAN, CESO V
Office-in-Charge, Office of the Administrator

Date: 25 February 2010



OFFICE OF THE SECRETARY
Republic of the Philippines
CAREER EXECUTIVE SERVICE BOARD
No. 3 Marcelino Street, Holy Spirit Drive, Diliman, Quezon City 1127
Tel. Nos. 951-4901 to 951-4906 (Fax)
Website: www.cesboard.gov.ph



Administrator's Office

Circular No. 02
Series of 2010

TO : All Heads of Departments and Agencies of the National Government, Including Government-Owned or Controlled Corporations with Original Charters, and All Officials in the Career Executive Service.

SUBJECT : RULES AND PROCEDURES ON THE REVOCATION AND/OR DEMOTION IN RANK OF A CESO FOUND GUILTY OF AN ADMINISTRATIVE OFFENSE

Pursuant to Career Executive Service Board (CESB) Resolution No. 820 dated October 7, 2009 (Rules and Procedures on the Revocation and/or Demotion in Rank of a CESO Found Guilty of an Administrative Offense), the Rules and Procedures for the Revocation and/or Demotion of CES Rank are as follows:

1. Receipt of the Decision Rendered. Upon receipt of a decision against a CESO in an administrative disciplinary case finding him/her guilty of an administrative offense, the CESB Secretariat shall officially verify with the court or quasi-judicial body which rendered the decision, the actual existence of the said case and whether the same has become final and executory.

2. Revocation or Demotion Proceedings. After verification of the finality of the said decision, the CESB Secretariat shall, within sixty (60) days thereof, proceed in accordance with the following procedures:

a. Officially inform the CESO concerned that a finding of guilt in an administrative disciplinary case, which has become final and executory, has been rendered against him/her by a judicial or quasi judicial body and for him/her to explain within fifteen (15) days from receipt thereof why his/her rank should not be revoked or demoted, as the case may be.

b. The said CESO shall submit his/her answer in writing and under oath. It shall contain relevant facts and applicable laws, if any, including documentary evidence, sworn statements covering testimonies of witnesses, if there be any, in support of his/her case.

In case the CESO fails or refuses to answer the communication sent to him or her within fifteen (15) days from receipt thereof, he/she shall be

NIA-TCDS

Received by: [Signature]
Date: Feb. 17, 2010

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considered to have waived his/her right and the proceedings shall commence.

c. On the basis of the answer submitted by the CESO concerned, the CESB Secretariat shall consider the case submitted for resolution.

d. If, after the filing of the answer and the supporting pieces of evidence, if any, there are facts material to the case which the CESB Secretariat may need to be clarified on, it may conduct a clarificatory hearing during which the CESO shall be afforded the opportunity to be present but without the right to examine or cross examine the witness being questioned. Where the appearance of a CESO or the witnesses is impracticable, the clarificatory questioning may be conducted in writing, whereby the questions desired to be asked by the CESB Secretariat shall be reduced in writing and served on the CESO or witness concerned who shall be required to answer the same in writing and under oath.

e. If there is no necessity for further proceedings on the basis of the clarificatory conference conducted, the CESB Secretariat shall declare the case submitted for resolution.

5. Report of Investigation. Within thirty (30) days after the conclusion of the revocation or demotion proceedings, a Report of Investigation containing a narration of the material facts established during the investigation, the findings and the evidence supporting said findings, as well as the recommendations, shall be submitted by the CESB Secretariat to the Board.

The complete records of the case shall be likewise attached to the Report of Investigation.

The complete records shall be systematically and chronologically arranged, paged, and securely bound to prevent loss. A table of contents shall be prepared. The person in-charge of the transmittal of the complete records of the case shall be held responsible for any loss or suppression of pages thereof.

6. Rendition of Decision. Within sixty (60) days from receipt of the Report of Investigation, the Board shall deliberate on the findings of the CESB Secretariat. In case the recommendation of the CESB Secretariat is to revoke or demote the rank of the CESO, as the case may be, and the same is affirmed by the Board, the latter shall issue a corresponding resolution to such effect.

Otherwise, the Board shall issue a Resolution dismissing the case.

7. Penalties Imposed. The following penalties may be imposed to a CESO who has been found guilty by final judgment of an administrative offense, as follows

- a. Revocation of rank - when a CESO has been dismissed from government service with an accessory penalty of cancellation of CES eligibility rendered by a court or quasi-judicial-body where the decision has become final and executory.
- b. Two (2) ranks demotion - when a CESO has been suspended from government service for a period ranging from six (6) months and one (1) day to one (1) year by a court or quasi-judicial-body where the decision has become final and executory.
- c. One (1) rank demotion - when a CESO has been suspended from government service for a period ranging from one (1) month and one (1) day to six (6) months by a court or quasi-judicial-body where the decision has become final and executory.
- d. Reprimand - when a CESO has been suspended from government service for a period ranging from one (1) day to one (1) month or reprimanded by a court or quasi-judicial-body where the decision has become final and executory.

8. Recommendation to Revoke or Demote the CES Rank. The resolution and the complete records of the case shall be transmitted by the Board to the Office of the President within thirty (30) days from issuance thereof.

9. Authority to Revoke or Demote a CES Rank. The authority to revoke or demote the rank, as the case may be, of a CESO is vested upon the President of the Philippines based upon the recommendation of the Board.

10. Revocation or Demotion of a CES Rank. Upon receipt of the Office of the President's decision revoking or demoting the rank of the CESO concerned, the name of the CESO, in case of revocation, shall be stricken off by the Board from the Roster of CESOs and shall be transferred to the Roster of Persons with Revoked CESO ranks, or in case of demotion, the Board shall issue a notice to the said CESO reflecting his/her demoted rank.

11. Notice of Revocation or Demotion of a CES Rank. Within fifteen (15) days after the notice has been issued by the President, the Board shall duly notify the official concerned of the decision for revocation or demotion in rank, as the case maybe. His/her new employer-agency shall likewise be informed of the said decision.

12. Effect of Revoked or Demoted CES Rank. An Official whose rank has been revoked by the President shall cease to be entitled to the rights and privileges accorded by existing law or rules and regulations to a CESO, including the right to security of tenure.

A CESO whose rank has been demoted shall accordingly receive the salary attached to his/her new demoted rank or the salary of the position he/she occupies, whichever is higher.

CESB Resolution No. 820, series of 2009 was published on November 9, 2009 in the Official Gazette.

In this regard, all concerned are formally notified for their information and guidance.

This Circular takes effect immediately.



BERNARDO P. ABESAMIS
Chairperson

Attested by:



MARIA ANTHONETTE V. ALLONES
Executive Director

15 January 2010
Date

PPS2010/Circulars/X4/Rank Revocation_Demotion CESB Res 820