



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

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OUR REFERENCE:

MC No. 60, s. 2011

MEMORANDUM CIRCULAR

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


SUBJECT: CLARIFICATION ON THE COVERAGE OF THE CAREER EXECUTIVE SERVICE

Enclosed is a copy of Circular No. 2, series of 2011 of the Career Executive Service Board (CESB) embodying the above-cited subject. It explains that the career positions requiring Presidential appointment as 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, are covered by the CES without the need for position classification, except if they belong to Project Offices.

To place other positions requiring Presidential appointments under the coverage of the CES, classification of these positions shall be conducted by the Board upon the request of the head of agency, provided: 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.

The adoption of said policy is anchored on the case promulgated on 23 November 2010 where the Supreme Court limited the coverage of positions belonging to the CES to positions requiring Presidential appointment.

Be guided accordingly.


ANTONIO S. NANGEL
Acting Administrator

Date: November 29, 2011



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Republic of the Philippines
CAREER EXECUTIVE SERVICE BOARD



Circular No. 02
Series of 2011

CES GOVERNING BOARD

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

On May 9, 2009, the Career Executive Service Board issued CES 3 Resolution No. 799, entitled "Omnibus Policy on the Coverage of the Career Executive Service" and circularized in Memorandum Circular 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;
- 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:
 - 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.

Subsequently, on November 23, 2010, the Supreme Court, in the case of **PCSO v. CSC**, G.R. No. 185766 and G.R. No. 185767, limited the coverage of positions belonging to the CES to positions requiring Presidential appointment. Hence, CES positions have now become synonymous to third level positions by virtue of the said ruling.

In accordance with this recent jurisprudence, the Board deemed it appropriate to issue the following guidelines to clarify the policy on the coverage of the CES and its classification:

Isang Karangalan ang Maglingkod Sa Bayan



1. For career service positions requiring Presidential appointment 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 position 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, Philippine National Police, State Colleges and

Universities 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 positions, 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 the Career Executive Service Board accompanied by appropriate justifications. The Board shall issue a decision on the matter within two (2) months from receipt of such request.

For information and guidance.

CESB Resolution No. 945 was published on August 15, 2011 in the Official Gazette.



BERNARDO P. ABESAMIS
Chairperson

Attested by:



MARIA ANTHONETTE VELASCO - ALLONES
Executive Director