

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

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OUR REFERENCE:

MC No. 61, s. 2011

**MEMORANDUM CIRCULAR**

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

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


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Enclosed is a copy of Circular No. 3, series of 2011 of the Career Executive Service Board (CESB) embodying the above-cited subject which was approved and adopted on 14 June 2011 through its Resolution No. 946. It provides new rules that will govern the original and promotional rank appointment of officials with pending cases.

With respect to cases pending with the Office of the Ombudsman and/or Regular Courts or Quasi-Judicial Bodies, the CESB shall, after an exhaustive evaluation, recommend a CESO or a CES Eligible for appointment to a CES rank if: (1) the cases filed do not involve moral turpitude and; (2) 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.

However, with respect to cases pending with the Sandiganbayan, the Board shall not endorse the appointment to a CES rank of the official concerned until such time he/she is finally cleared or exonerated from the charges.

Be guided accordingly.

  
**ANTONIO S. NANGEL**  
Acting Administrator

Date: Nov. 29, 2011



Republic of the Philippines  
**CAREER EXECUTIVE SERVICE BOARD**



ISO 9001:2008 CERTIFIED

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**Circular No. 03**  
**Series of 2011**

**CES GOVERNING BOARD**

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**NGELITO M. TWAÑO, CESO III**

**SUSANA D. VARGAS**

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

On May 9, 2009, the Career Executive Service Board issued CESB Resolution No. 798 s. 2009, providing for the guidelines on the appointment to a CES rank of a CESO with pending cases. Under the said 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.

The Supreme Court, in the case of Villaber vs. COMELEC, G.R. No. 148326 dated November 15, 2001, defined moral turpitude 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".

Recent studies show that a number of officials who are being considered for appointment to CESO rank have pending cases filed against them.

The Board decided to adopt a Revised Policy on Recommendation for Original and Promotional Appointment to Career Executive Service (CES) Ranks of Officials with Pending Cases, and issued CESB Resolution No. 946 dated June 14, 2011 (Revised Policy on Recommendation for Original and Promotional Appointment to Career Executive Service (CES) Ranks of Officials with Pending Cases), providing the new rules that will govern the original and promotional rank appointment of officials with pending cases, as follows:



*Isang Karangalan ang Maglingkod Sa Bayan*



## **RULE I**

### **With Respect to Cases Pending with the Office of the Ombudsman**

**Section 1.** The Board shall, after an 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 II**

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

**Section 1.** The Board shall, after an 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.

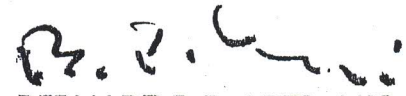
## **RULE III**

### **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.

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