



Republic of the Philippines
CAREER EXECUTIVE SERVICE BOARD
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**RULES AND PROCEDURES IMPLEMENTING
EXECUTIVE ORDER NO. 891, DIRECTING
ALL DEPARTMENTS, AGENCIES OF THE
NATIONAL GOVERNMENT, AND
GOVERNMENT-OWNED AND/OR
CONTROLLED CORPORATIONS WITH
ORIGINAL CHARTERS, TO SUBMIT TO THE
CAREER EXECUTIVE SERVICE BOARD FOR
ITS ATTESTATION, ALL APPOINTMENTS OR
APPOINTEES OCCUPYING CAREER
EXECUTIVE SERVICE AND/OR THIRD LEVEL
POSITIONS.**

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Resolution No. 905

WHEREAS, paragraph 2, Article IV, Part III of the Integrated Reorganization Plan (IRP), as amended, mandated the Career Executive Service Board (CESB) as the governing body of the Career Executive Service (CES), to promulgate rules, standards and procedures on the selection, classification, compensation and career development of members of the CES;

WHEREAS, Section 8 (2), Chapter 2, Subtitle I, Book V of the Administrative Code of 1987, provides that "(e)ntrance to the third level shall be prescribed by the Career Executive Service Board";

WHEREAS, Section 8 (1) (c), Chapter 2, Subtitle A, Book V of the Administrative Code of 1987 provides that the "third level shall cover positions in the Career Executive Service";

WHEREAS, Section 7 (3), Chapter 2, Subtitle A, Title 1, Book V of the Administrative Code of 1987, provides that, "the career service shall include positions in the CES; namely, Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director, Assistant Regional Director, Chief of the Department Service and other officers of equivalent ranks as may be identified by the CESB, all of whom are appointed by the President";

WHEREAS, It is a basic rule of interpretation that words and phrases used in the statute, in the absence of clear legislative intent to the contrary should be given their plain,

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CERTIFIED TRUE PHOTOCOPY:

Isang Karangalan ang Maglingkod Sa Bayan


GLENN NINO M. SARTILLO
Board Secretary III
Career Executive Service Board

ordinary usage or meaning. Word Web English Dictionary and Thesaurus define the word "cover" as referred to in Section 8 (1) (c) as "include in scope; include as part of something broader";

WHEREAS, on the basis of the above definition, it could be deduced that there are other components of the broader Third Level aside from the CES; hence, the Third Level includes positions in the CES which are presidential appointees, and other managerial and executive positions of equivalent rank in the career service that are CES classified, which may not be presidential appointees; .

WHEREAS, in the case of **Cuevas. vs. Bacal** G.R. No. 139382, 6 December 2000, the Supreme Court citing the provisions of Section 5 (c) and (e) of Article IV, Chapter I, Part III of Presidential Decree No. 1 or the Integrated Reorganization Plan dated 24 September 1972 emphasized that the **appointments, assignments, and transfers in the CES are based on their CESO rank;**

WHEREAS, in the case of **Dimayuga vs. Benedicto II**, G.R. No. 144153, 16 January 2002, the Supreme Court had the occasion to explain the importance of obtaining the needed eligibility for a position in the CES is the appropriated CESO rank, thus **"(t)he guaranty of security of tenure to members of the career executive service does not extend to the particular positions to which they may be appointed – a concept which is applicable only to first and second-level employees in the civil service – but to the rank which they are appointed by the President";**

WHEREAS, on 10 June 2010, the President of the Philippines, Her Excellency Gloria Macapagal-Arroyo issued Executive Order No. 891, Directing All Departments, Agencies of the National Government, and Government-Owned and/or Controlled Corporations with Original Charters, to Submit to the Career Executive Service Board for its Attestation, All Appointments of Appointees Occupying Career Executive Service and/or Third Level Positions;

WHEREAS, Section 1 of Executive Order 891 provides that, **"(a)ll departments, agencies of the national government, and government-owned and controlled corporations with original charters are hereby directed to submit to the Career Executive Service Board (CESB) for its attestation, all appointments of appointees occupying Career Executive Service and/or third level positions";**

WHEREAS, Section 2 of Executive Order 891 provides that, **"(t)he Career Executive Service (CES) shall be composed of positions in the third level with the following characteristics:**

- a. The position is a career position;
- b. The position is above Division Chief level; and
- c. The duties and responsibilities of the position require performance of executive or managerial functions.";

WHEREAS, under the second paragraph of Section 2 *supra*, explicitly declared that, **"(t)he third level shall be composed of CES positions as well as those positions occupied**

by non-presidential appointees that are above Division Chief and are performing executive and managerial functions.” ;

WHEREAS, Section 3 of E.O. 891 recognized the authority of the CESB under paragraph 2, Article IV, Part III of the Integrated Reorganization Plan (IRP) *supra*, and acknowledged, that, “(t)he CESB shall have the authority to promulgate rules, standards and procedures on the selection, classification, compensation and career development of members of the CES”;

WHEREAS, Section 4 of E.O. 891 provides for an implementation period, thus the directive that, “(t)he submission to the CESB, of all pertinent appointment papers of appointees occupying CES/third level positions in all departments, agencies of the national government, government-owned and/or controlled corporations with original charter, must be completed not later than forty-five (45) days from the date of the signing of this Order.”;

WHEREAS, in the case of *De la Rea v. Subido*, L-26082, March 1, 1968, 22 SCRA 954, the Supreme Court stated that, “to attest implies authority to determine whether the appointment under consideration was made in accordance with law”;

WHEREAS, based on the general principle of law which states that rules and regulations promulgated by administrative agencies in pursuance of the procedure and authority conferred upon them by law, have the force and effect of laws;

WHEREFORE, foregoing premises considered, the Board **RESOLVES**, as it is hereby **RESOLVED**, to adopt and prescribe the following rules and procedures to govern the preparation, submission of, and attestation of all appointments or appointees occupying Career Executive Service and/or Third Level positions:

RULE I
GENERAL POLICIES ON APPOINTMENTS

Section 1. The State shall insure and promote the Constitutional mandate that appointments in the Civil Service shall be made only according to merit and fitness.

Sec. 2. Merit and fitness to appointments in the career executive service shall be determined, among other things, by completion of the four-stage screening process promulgated by the CES Board namely:

- a) Written Examination;
- b) Assessment Center;
- c) Validation of on-the-job Performance; and,
- d) Board Interview and comply with such other requirements as may be prescribed by the CESB.

After a successful completion of the four-stage screening process abovementioned, and upon conferment of CES Eligibility and after complying with all other requirements prescribed by the Board, a CES Eligible appointed to a CES position may already qualify

for appointment to a Career Executive Service Officer (CESO) rank by the President of the Philippines.

Sec. 3. Any action denoting the movement or progress of personnel in the career executive service shall be known as personnel action such as promotion, transfer, reinstatement, reemployment, detail, reassignment, secondment, demotion and job rotation.

RULE II COMMON REQUIREMENTS FOR REGULAR APPOINTMENTS

Sec. 1. Appointments to positions in the Career Executive Service and/or Third Level submitted to the Career Executive Service Board (CESB) for attestation should meet the requirements listed hereunder. Non-compliance with such requirements shall be a ground for non-attestation of said appointments.

- a. **Signature of the Appointing Authority.** The original copy of the appointment must be duly signed and the succeeding two (2) copies thereof at least initialed by the appointing authority.
- b. **Position Title.** The position title indicated in the appointment shall conform with the approved Position Allocation List and should be found in the index of Occupational Service (IOS). The salary grade shall always be indicated after the position title.
- c. **Employment Status.** The employment shall be indicated on the space provided therefor. It may be permanent, provisional, temporary, substitute or co-terminous.
- d. **Date of signing.** The date of signing, which is the date of the issuance of the appointment shall be indicated below the signature and the initials of the appointing authority.
- e. **Nature of Appointment.** The correct nature of appointment shall be indicated on the space provided therefor. The nature of appointment, which may either be original, initial, promotion, transfer, reemployment, reappointment, reinstatement, renewal, change of status or demotion, shall be indicated in the space provided for.
- f. **Third Level Selection Board (TLSB) Evaluation/Screening.** All appointees should be screened and evaluated by the TLSB, if applicable. As proof thereof, a certification signed by the Chairman of the Board at the back of the appointment or alternatively, a copy of the proceedings/minutes of the Board's deliberation shall not be earlier than the date of the final screening/deliberation of the TLSB.

Candidates for the following appointments shall no longer be subject to the screening of the TLSB:



- i. Substitute appointment due to their short duration and emergency nature. However, should the position be filled by regular appointment, candidates for the position should be screened and passed upon by the TLSB.
 - ii. Change of status of appointment from temporary to permanent.
- g. Personal Data Sheet. The appointee's Personal Data Sheet (CS Form 212, Revised, 1998) which should be properly and completely accomplished by the appointee, shall be attached to the appointment.

Sec. 2. Employment Status in General.

- a. **Permanent-** issued to a person who meets all the minimum qualification requirements of the position to which he is being appointed, including the appropriate eligibility prescribed, in accordance with the provisions of law, rules and standards promulgated in pursuance thereof.
- b. **Temporary-** issued to a person who meets the education, experience and training requirements for the position to which he is being appointed except for the appropriate eligibility but only in the absence of a qualified eligible actually available. The appointment shall not exceed twelve months, reckoned from the date it was issued but the appointee may be replaced sooner if a qualified eligible who is willing to accept the appointment becomes actually available.
- c. **Substitute-** issued when the regular incumbent of a position is temporary unable to perform the duties of his position, as when he is on approved leave of absence or is under suspension or is on scholarship rant or is on secondment. This is effective only until the return of the former incumbent. A substitute appointment is issued only if the leave of absence of the incumbents is at least three (3) months.
- d. **Co-terminous-** issued to a person whose entrance and continuity in the service is based on the trust and confidence of the appointing authority of the head of the organizational unit where assigned; or co-existent with the incumbent; or limited by the duration of the project; or co-existent with the period for which an agency or office was created. Specifically, the categories of co-terminous appointments are:
 - a) Co-terminous with the appointing authority,
 - b) Co-terminous with the head of the organizational unit where assigned,
 - c) Co-terminous with the incumbent,
 - d) Co-terminous with the lifespan of the agency.

Sec. 3. Nature of Appointment. The nature of appointment shall be as follows:

- a. **Original** - refers to the initial entry into the career service of persons who meet all the requirements of the position.

It is understood that the first six months of service following an original appointment will be probationary in nature and the appointee shall undergo a thorough character investigation. A probationer may be dropped from the service for unsatisfactory conduct or want of capacity anytime before the expiration of the probationary period. Provided that such action is appealable to the Board.

However, if no notice of termination or unsatisfactory conduct is given by the appointing authority to the employee before the expiration of the six-month probationary period, the appointment automatically becomes permanent.

- b. **Initial** – refers to all other appointments of persons entering the government service for the first time (whether career or non-career) which are not covered by the definition of original appointment.
- c. **Promotion** - is the advancement of an employee from one position to another with an increase in duties and responsibilities as authorized by law, and usually accompanied by an increase in salary. Promotion may be from one department or agency to another or from one organizational unit to another within the same department or agency.
- d. **Transfer** - is the movement of employee from one position to another which is of equivalent rank, level or salary without break in the service involving the issuance of an appointment.

The transfer may be from one department or agency to another or from one organizational unit to another in the same department or agency: Provided, however, that any movement from the non-career service to the career service shall not be considered a transfer.

An employee who seeks transfer to another office shall first secure permission from the head of the department or agency where he is employed stating the effective date of the transfer. If the request to transfer of an employee is not granted by the head of the agency where he is employed, it shall be deemed approved after the lapse of 30 days from the date of notice to the agency head.

If, for whatever reason the employee fails to transfer on the specified date, he shall be considered resigned and his reemployment in his former office shall be at the discretion of its head. The effectivity of the transfer shall be the day following his last day of service in the former agency.

Heads of oversight agencies and their staff are prohibited from transferring to a department/agency/office/local government unit where they are assigned or designated to oversee within one year after the termination of such assignment/designation.

This prohibition contemplates transfer of officials of those office/units who are in a position to exert pressure or influence on the new or accepting agency.

- e. **Reemployment** - is the reappointment of a person who has been previously appointed to a position in the career executive service and was separated there from as a result of reduction in force, reorganization, retirement, voluntary resignation, non-disciplinary actions such as dropping from the rolls and other modes of separation. Reemployment presupposes a gap in the service.

No prior authority shall be required for the reemployment of a person who has been previously retired and who has not reached the compulsory retirement age of 65.

- f. **Reappointment** - is the re-issuance of an appointment during reorganization, devolution, salary standardization, re-nationalization or similar events. Reappointment presupposes no gap in the service.
- g. **Reinstatement** - is the issuance of an appointment to a person who has been previously appointed to a position in the career service and who has, through no delinquency or misconduct, been separated therefrom or to one who has been exonerated of the administrative charges unless the decision exonerating him specifies restoration to his previous position.

It is understood that one who has been exonerated or who has been illegally terminated is deemed not to have left the service.

- h. **Renewal** - refers to the subsequent appointment issued upon the expiration of the appointment of the temporary appointment, if a qualified eligible is not actually available. Renewal presupposes no gap in the service.
- i. **Change of status:**

Temporary to permanent- the appointment issued to a temporary employee when he acquires the appropriate eligibility or becomes fully qualified for the position to which he is appointed.

- j. **Demotion** - is the movement of an employee from one position to another with the reduction in duties, responsibilities, status or rank, which may or may not involve reduction in salary and is not disciplinary in nature.

In case a demotion involves reduction in salary but is non-disciplinary, a written consent shall be secured from the demoted employee.

Appointment as a result of voluntary demotion shall be at the hiring rate for the class of the position.

- k. **Upgrading/Reclassification** - refers to the change in position title with the corresponding increase in salary grade. Positions are upgraded in order to attain effectively the functions and duties attached to the position and for the employee to perform an all-around adaptability in meeting diverse work assignments. This requires issuance of appointment.

Upgrading reclassification usually involves abolition and collapsing of positions which the agency finds insignificant to augment the salaries assigned to the upgraded/reclassified position.

The incumbent of a position in a permanent capacity which has been upgraded /reclassified shall be appointed to the upgraded/reclassified position without change in employment status, irrespective of whether or not he meets the qualification requirements therefor. However, he shall no longer be promoted to the next higher position unless he meets the qualification requirements of the position involved.

RULE III EFFECTIVITY OF APPOINTMENT

Sec. 1. An appointment issued in accordance with pertinent laws and rules shall take effect immediately upon its issuance by the appointing authority, and if the appointee has assumed the duties of the position, he shall be entitled to receive his salary at once without awaiting the attestation of his appointment by the Board. The appointment shall remain effective until disapproved by the Board. In no case shall an appointment take effect earlier than the date of its issuance.

SEC. 2. No appointment shall be made effective earlier than the date of issuance, except in the case of change of status in view of having acquired a career executive service eligibility. However, the effectivity of the change of status should be the date of the conferment of the CES Eligibility.

The effectivity of the change of status may be indicated as a footnote on the temporary appointment provided that said temporary appointment has not yet expired.

The effectivity of the change of status should be the date of the conferment of the CESO rank. The Board shall indicate the effectivity of the change of status from temporary to permanent as a footnote on the temporary appointment and service card on file.

However, change of status of appointment from temporary to permanent because of the conferment of the CESO rank shall be effective upon presentation of the proof thereto and its corresponding indorsement from the appointing authority.

SEC.3. In the absence of appropriate eligibles and it becomes necessary in the public interest to fill a vacancy, a temporary appointment shall be issued to a person who meets all the requirements for the position to which he is being appointed except the appropriate CES Eligibility: Provided, That such temporary appointment shall not exceed twelve months, but the appointee may be replaced sooner if a qualified career executive service eligible becomes available.

The appointment of a non-CESO to a CES position shall be temporary in nature and shall not exceed twelve months. Upon appointment to a CES position, a non-CES



eligible or non-CESO shall be required to subsequently take the Career Executive Service Eligibility Examinations.

For purposes of these guidelines, a CESO is defined as one who is conferred the Career Executive Service (CES) eligibility by the CESB, appointed to a CES position, and likewise appointed to a CES rank by the President upon recommendation by the Board.

In the case of temporary appointment, the twelve month period shall be reckoned from the date of issuance of the appointment and not from the date the appointee assumes the duties of the position.

Only one renewal of a temporary third-level appointment shall be allowed provided there are no qualified applicants actually available and willing to assume the position, provided further, that at the lapse of the second year of the temporary appointment, and the appointee lacks the required CES eligibility, the appointment shall no longer be allowed.

The Commission on Audit shall be furnished a copy of the renewal or non-renewal of temporary third-level appointments.

The vacancy should be published in accordance with R.A. No. 7041 and its implementing rules and regulations. Otherwise, the renewal of appointment shall not be allowed.

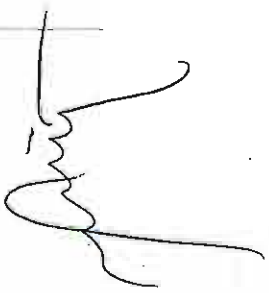
Sec. 4. No official or employee shall be required to assume duty without being furnished with a copy of his appointment after it is issued by the appointing authority. The appointee shall acknowledge receipt of the appointment by signing on the duplicate and other copies of said appointment.

Sec. 5. The services rendered by any person who was required to assume the duties and responsibilities of any position without an appointment having been issued by the appointing authority shall not be credited nor recognized by the Board and shall be the personal accountability of the person who made him assume office.

RULE IV ADDITIONAL REQUIREMENTS IN SPECIFIC CASES

Sec. 1. In addition to the common requirements and procedures, the following requirements and guidelines shall also be observed and the necessary documents submitted, when applicable.

- a. **Appointments Involving Change of Status.** Appointments involving change of status from temporary to permanent shall be accompanied by appointee's performance ratings for the period during his temporary appointment as certified by the appointing authority.



- b. **Non-Disciplinary Demotion.** Appointment involving demotion which is not disciplinary in nature shall be accompanied by a (1) certification of the agency head that the demotion is not the result of an administrative case; (2) written consent by the employee that he interposes no objection to his demotion.
- c. **Licenses.** When a license is required by special law for the exercise of a profession or vocation, an appointee must possess the necessary license before he may be appointed. Examples of this are the licenses issued by the Professional Regulations Commission and the Supreme Court.

**RULE V
SUBMISSION, ATTESTATION
OF APPOINTMENT**

Sec.1. An appointment shall be submitted to the Board within thirty (30) calendar days from the date of issuance, which shall be the date indicated below the signature of the appointing authority. Otherwise it shall be made effective thirty (30) days prior to date of submission to the Board.

The Board may delegate to accredited departments and agencies the authority to take final action on appointments to positions in the Career Executive Service.

In case of appointments issued by accredited agencies, the Report of Personnel Actions (ROPA) together with photocopies of appointments issued during the month shall be submitted within 15 days of the succeeding month. Appointments not submitted within the prescribed period shall be made effective 30 days prior to date of submission.

If the appointee does not assume office within thirty (30) calendar days from receipt of the attested appointment, the same may be cancelled by the appointing authority and reported to the Board for record purposes. The position is automatically deemed vacant without the need for an approval or declaration by the Board.

If the appointee is not allowed to assume office by the appointing authority despite of the Board's attestation of the appointment, said official shall be held administratively liable therefor.

Sec.2. Request for reconsideration of, or appeal from, the disapproval of an appointment may be made by the appointing authority, other than the President, and submitted to the Board within fifteen (15) calendar days from receipt of the disapproved appointment.

Sec. 3. When an appointment issued by an appointing authority other than the President is disapproved, the services of the appointee shall be immediately terminated, unless a motion for reconsideration or appeal is seasonably filed.

Services rendered by a person for the duration of his disapproved appointment shall not be credited as government service for whatever purpose.

If the appointment was disapproved on grounds which do not constitute a violation of civil service law, such as failure of the appointee to meet the Qualification Standards (QS) prescribed for the position, the same is considered effective until disapproved by the Board. The appointee is meanwhile entitled to payment of salaries from the government.

If a motion for reconsideration or an appeal from the disapproval is seasonably filed with the Board, the appointment is still considered to be effective. The disapproval becomes final only after the same is affirmed by the Board.

Sec. 4. The appointing authority shall be personally liable for the salary of appointees whose appointments have been disapproved for violation of pertinent laws such as the publication requirement pursuant to RA 7041.

Sec.5. The appointee whose appointment was attested but made effective thirty (30) days prior to date of submission to the Board shall be entitled to payment of salary from the government immediately following the effectivity of the appointment. The salaries of the appointee for actual services rendered before the approved effectivity date shall be the liability of whoever caused the delay.

Sec.6. In cases where the appointee fully qualifies for the position to which he is temporarily appointed, the appointing authority shall no longer issue an appointment for change of status from temporary to permanent. Upon the appointee's presentation of the required documents, such change may be effected as a footnote on the temporary appointment previously issued, copy furnished the Board.

RULE VI RULES AND REGULATIONS

Pertinent rules and regulations issued by the Civil Service Commission shall be supplementary to these rules.

RULE VII REPEALING CLAUSE

All other existing Board's issuances which are inconsistent herewith are deemed repealed or amended.

RULE VIII SEPARABILITY CLAUSE

If any part, section or provision of this Resolution is held invalid or unconstitutional, no other part, section or provision shall be affected by the invalidity or unconstitutionality thereof.

**RULE IX
EFFECTIVITY CLAUSE**


This Resolution shall take effect after fifteen (15) days following its publication in the Official Gazette or newspapers of general circulation in the Philippines.

ADOPTED and **APPROVED** this 26th day of October 2010 in Quezon City, Philippines.



BERNARDO P. ABESAMIS
Chairperson

FRANCISCO T. DUQUE III
Vice Chairperson



PROCESO T. DOMINGO
Member

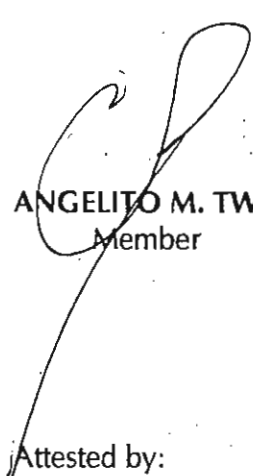


ANTONIO D. KALAW, JR.
Member



JAIRUS D. PAGUNTALAN
Member

SUSAN M. SOLO
Member



ANGELITO M. TWAÑO
Member

Susana D. Vargas
SUSANA D. VARGAS
Member

Attested by:



GLENN NIÑO M. SARTILLO
Board Secretary

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