



Republic of the Philippines
CAREER EXECUTIVE SERVICE BOARD



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**THE CLASSIFICATION OF GENERAL
COUNSEL, GENERAL ACCOUNTANT
AND COMMISSION SECRETARY
POSITIONS IN THE SECURITIES
EXCHANGE COMMISSION AS CES
POSITIONS**

X _____ X

CES GOVERNING BOARD

ANTONIO D. KALAW, JR., CESO I
Chairman

RESOLUTION No. 1037

FRANCISCO T. DUQUE III
Ex-Officio Member and Vice-Chairman

WHEREAS, Article IV Part II 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);

REGULAR MEMBERS

WHEREAS, CESB Resolution No. 799, s. 2009, defines the coverage of the CES, to wit: (a) *the position is a career position;* (b) *the position is above Division Chief;* and (c) *the duties and responsibilities of the position require the performance of executive and managerial functions;*

PROCESO T. DOMINGO, CESO I

WHEREAS, CESB Resolution No. 945, s. 2011, has clarified the coverage of the CES and has limited the coverage of positions belonging to the CES to positions requiring Presidential appointments in harmony with the ruling of the Supreme Court in the case of *PCSO vs. CSC, G.R. No. 185766 and G.R. No. 185767;*

SUSAN M. SOLO, CESO IV

WHEREAS, the Securities and Exchange Commission (SEC) was created by the enactment of **Commonwealth Act No. 83** (*"An act to regulate the sale of securities, to create a Securities and Exchange Commission to enforce the provisions of the same, and to appropriate funds therefor"*) on October 26, 1936, and later amended by PD 902-A (*SEC Reorganization Act*); PD 1653; PD 1758 and RA 8799 (*Securities Regulation Act, 19 July 2000*);

ANGELITO D. TWAÑO, CESO III

WHEREAS, the SEC has requested the inclusion of its General Counsel, General Accountant and Commission Secretary in the SEC's Plantilla of Career Executive Service (CES) positions;

SUSANA D. VARGAS

CERTIFIED TRUE PHOTOCOPY

IMELDA B. GUANZON
Board Secretary III
Career Executive Service Board

Isang Noo, CESO!

Isang Karangalan ang Maglingkod Sa Bayan

WHEREAS, the SEC's Charter does not provide for the appointing authority of said positions;

WHEREAS, Article 7, Section 16 of the 1987 Constitution, explicitly states that *"the President shall x x x also appoint all other officers of the Government whose appointments are not otherwise provided for by law, and those whom he may be authorized by law to appoint. The Congress may, by law, vest the appointment of other officers lower in rank in the President alone, in the courts, or in the heads of departments, agencies, commissions, or boards x x x."*

WHEREAS, Book 4, Chapter 10, Section 16 of the Administrative Code of 1987 further states that, *"Directors and Assistant Directors of Bureaus, Regional and Assistant Regional Directors, Department Service Chiefs, and their Equivalents shall be appointed by the President in accordance with law, rules and regulations";*

WHEREAS, the SEC's General Counsel, General Accountant and Commission Secretary were all appointed by the President;

WHEREAS, a study on the functions of the positions of General Counsel, General Accountant and Commission Secretary shows that they are performing executive and managerial functions and are above division chief level and that there is no provision in the SEC's Charter and in the Appointment Order that shows the positions are termed. Hence, the positions have complied with the criteria set in CESB Resolution No. 945 that determines the coverage of the CES;

NOW THEREFORE, foregoing premises considered, the Board **RESOLVES**, as it hereby **RESOLVED**, to include three (3) executive/managerial positions at the SEC as part of the CES, as follows:

Position Title	No. of Positions	SG
General Counsel	1	28
General Accountant	1	27
Commission Secretary	1	27
TOTAL	3	



CERTIFIED TRUE PHOTOCOPY:



IMELDA B. GUANZON
Board Secretary III
Career Executive Service Board

APPROVED this 14th day of August 2012 in Quezon City, Philippines.



ANTONIO D. KALAW Jr.
Chairperson



FRANCISCO T. DOQUE III
Vice Chairperson

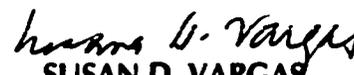
ABSENT
PROCESO T. DOMINGO
Member



ANGELITO M. TWAÑO
Member

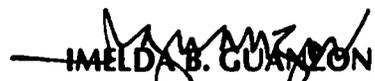


SUSAN M. SOLO
Member



SUSAN D. VARGAS
Member

Attested by:



IMELDA B. GUANZON
Board Secretary