



**DECLASSIFYING THE POSITION OF  
ADMINISTRATOR OF THE NATIONAL  
IRRIGATION ADMINISTRATION (NIA) AS A  
CES POSITION**

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**Resolution No. 1340**

**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);

**WHEREAS**, under Career Executive Service Board (CESB) Resolution Number 799, Series of 2009, circularized in CESB Memorandum Circular Number 9, Series of 2009, the following positions were considered as part of the CES:

- a. The positions of Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director (department-wide and bureau-wide), and Chief of Department Service; and
- b. Unless provided otherwise, all other managerial or executive positions in the government, including government-owned or controlled corporations with original charters, provided 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.

**WHEREAS**, on 23 November 2010, the Supreme Court, in the case of Civil Service Commission vs. Court of Appeals and Philippine Charity Sweepstakes Office (PCSO)<sup>1</sup> limited the coverage of the CES to positions requiring Presidential appointments;

**WHEREAS**, CESB Resolution Number 945, Series of 2011 requires that a third-level position be subject to the appointing authority of the President for it to be classified as part of the CES;

<sup>1</sup> G.R. Number 185766 and 185767, 23 November 2010.

**WHEREAS**, the National Irrigation Administration (NIA) is a government owned and controlled corporation responsible for irrigation development and management created under R.A. No. 360, otherwise known as "An Act Granting the National Irrigation Administration";

**WHEREAS**, the said Act provides that the management of the NIA shall be vested in the Irrigation Administrator;

**WHEREAS**, P.D. No. 552 amended R.A. No. 3601 providing for the appointment of the Irrigation Administrator by the President;

**WHEREAS**, the Governance Commission for GOCCs was created under R.A. No. 10149, otherwise known as the "GOCC Governance Act of 2011" and covers all GOCCs, GICPs/GCEs, and government financial institutions, including their subsidiaries, but excluding the BSP, state universities and colleges, cooperatives, local water districts, economic zone authorities and research institutions;

**WHEREAS**, Section 32 of R.A. 10149 repeals, revokes, or modifies, all existing laws, administrative orders, rules, regulations, or decrees inconsistent with its provisions;

**WHEREAS**, Section 18 of R.A. 10149 provides that the Chief Executive Officer or the highest ranking officer provided in the charters of the GOCCs shall be elected by the members of the Board from among its ranks;

**WHEREAS**, Memorandum Order No. 38 provides for the appointment of a Deputy Administrator in the NIA by the President;

**WHEREAS**, the appointment of the Senior Deputy Administrator and the other Deputy Administrator was not provided for by any other existing law;

**WHEREAS**, Section 16, Article VII of the Constitution provides that the President shall appoint all other officers in the Government whose appointments are not otherwise provided for by law, and those whom he may be authorized by law to appoint;

**WHEREAS**, the conduct of position classification study on the NIA reveals that the incumbents of the positions under consideration perform executive and managerial functions;

**WHEREAS**, the conduct of position classification study on the NIA confirms that the Senior Deputy Administrator and two (2) Deputy Administrator positions in the NIA are CES positions;

**NOW, THEREFORE**, the Board hereby **RESOLVES**, as it hereby **RESOLVED**, to declassify the position of the Administrator in the NIA as a CES position.



APPROVED this 20<sup>th</sup> day of April 2017 in Quezon City, Philippines.

  
ALICIA dela ROSA-BALA  
Chairman

  
CHARITO R. ELEGIR  
Member

  
EVANGELINE C. CRUZADO  
Member

  
ROLANDO L. METIN  
Member

ELBAS S. CRUZ  
Member

ALBERTO A. BERNARDO  
Member

Attested by:

  
CARMELA M. CONTI  
Board Secretary III