

MALACAÑANG

Manila

BY THE PRESIDENT OF THE PHILIPPINES

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 APOINTMENTS OF APPOINTEES OCCUPYING CAREER EXECUTIVE SERVICE AND/OR THIRD LEVEL POSITIONS

WHEREAS, Paragraph 1, Article IV, Part III of the Integrated Reorganization Plan (IRP), as implemented by Presidential Decree No. 1 (PD 1), as amended, created the Career Executive Service (CES);

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

WHEREAS, in Eugenio vs. Civil Service Commission, G.R. No. 115863, March 31, 1995, the Supreme Court recognized the existence, mandate and authority of the CESB over third level positions, and its autonomy from the Civil Service Commission (CSC);

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, Title I, 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 rank as may be identified by the CESB, all of whom are appointed by the President;

WHEREAS, Paragraph 5(c), Article IV, Part III of the IRP provides that, appointment to appropriate classes in the Career Executive Serve shall be made



by the President from a list of career (service) executive eligibles recommended by the Board. Such appointments shall be made on the basis of rank;

WHEREAS, reading together Section 7(3), Chapter 2, Book V of EO 292 and Par. 5(c), Article IV, Part III of the IRP, providing for the appointment to be made pertains to appointments to ranks, to complete ones membership in the CES, as opposed to appointment to positions which may or may not be vested in the President;

WHEREAS, CESB Resolution No. 799 and CSC Resolution No. 08226, both acknowledged that the third level shall be composed of CES position as well as those positions occupied by non-presidential appointees that are above Division Chief Level and performing executive or managerial functions;

WHEREAS, in the most recent case of Jose Pepito M. Amores vs. Civil Service Commission, et al., G.R. 1700093, promulgated on April 29, 2009, the Supreme Court upheld the requirement for CES Eligibility and the appointment to CES rank by the President to an incumbent of a CES position to complete the official's membership in the CES and be conferred security of tenure;

WHEREAS, in the above-said case, Jose Pepito Amores, a non-Presidential appointee, was occupying the position of Deputy Director in the Lung Center of the Philippines which was classified by the Career Executive Service Board as a CES Position;

WHEREAS, Section 1, Chapter 1, Title I, Book III of the Administrative Code of 1987, grants the President the power of control of all executive departments, bureaus, offices and over government-owned or controlled corporations as being attached to the appropriate department with which they have allied functions, as stated under paragraph 1, Section 42, Chapter 9, Book IV of the Administrative Code of 1987;

WHEREAS, there is need to strengthen the professionalization of the third level to guarantee the constitutionally enshrined principle of merit and fitness in the government service;

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order:

SECTION 1. Coverage. All 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



PGMA Hologram # 57708



(CESB) for its attestation, all appointments of appointees occupying Career Executive Service and/or third level positions.

SECTION 2. Definition. The 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.

The 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.

SECTION 3. Authority of the CESB. The CESB shall have the authority to promulgate rules, standards and procedures on the selection, classification, compensation and career development of members of the CES.

SECTION 4. Implementation Period. The 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.

SECTION 5. Effectivity. This Executive Order shall take effect immediately.

DONE in the City of Manila, this 10th day of June in the year of Our Lord, Two Thousand and Ten.

Gloria M. Arroyo

By the President:



LEANDRO R. MENDOZA
Executive Secretary

