

[CESB RESOLUTION NO. 719, February 21, 2008]

AMENDATORY POLICY ON SECURITY OF TENURE IN THE CAREER EXECUTIVE SERVICE (CES)

WHEREAS, Article IV, Part III of the Integrated Reorganization Plan (IRP), as approved by Presidential Decree No. 1, as amended dated September 24, 1972 created the Career Executive Service Board (CESB) to serve as the governing body of the Career Executive Service (CES) and is mandated by law to promulgate rules, standards and procedures on selection, classification, compensation, and career development of members of the CES;

WHEREAS, the CESB, in accordance with its mandate, adopted Resolution No. 9.0-04 dated September 6, 1990 which provides that only Career Executive Service Officers (CESOs) or Members of the CES are considered career officials in the CES and have security of tenure;

WHEREAS, in the case of Secretary of Justice Serafin R. Cuevas vs. Bacal, (G.R. No. 139382 dated December 6, 2000), the Supreme Court ruled that security of tenure in the career executive service is thus required with respect to rank and not to position and that the guarantee of security of tenure to members of the CES 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 to which they are appointed by the President;

WHEREAS, the Supreme Court, in the case of Luis Mario M. General vs. Ramon S. Roco (G.R. No. 143366 dated January 29, 2001), the Supreme Court ruled that two (2) requisites must concur in order that an employee in the career executive service may attain security of tenure, to wit: a) CES eligibility, b) Appointment to the appropriate CES rank;

WHEREAS, the CESB, in accordance with Resolution No. 548 dated August 10, 2004, revised the policy on security on tenure in the CES to conform with the pertinent policies of the Civil Service Commission (CSC) for third level qualified incumbents, and, therefore, effective on the date of the said Resolution, the CESB declared that attainment of CES eligibility by an incumbent of a CES position is enough to enjoy security of tenure in the CES provided he or she has met the other basic requirements of the position established in the qualification standards set or approved by the CSC based on the recommendation of the Department or Agency concerned;

WHEREAS, in recognition of a need to harmonized the policies of both CESB and the CSC and cognizant of the need for consistency in the policy on security of tenure in the civil service, the CESB decided to adopt the aforementioned policy to conform with the CSC criteria on permanent appointment , thus, setting CES eligibility as an essential component of security of tenure in the CES;