

[CESB RESOLUTION NO. 845, January 12, 2010]

**REITERATING THE CONTINUING EFFECTIVITY OF CESB
RESOLUTION NO. 799, S. 2009**

WHEREAS, **paragraph 2, Article IV, Part III of the Integrated Reorganization Plan I (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 Career Executive Service;

WHEREAS, in **Eugenio vs. CSC, 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 CSC;

WHEREAS, under the same case, the Supreme Court also enunciated that the CESB is attached only to the CSC for purposes of attaining policy and program coordination;

WHEREAS, **CESB Resolution No. 799, circularized in Memorandum Circular No. 3, and Civil Service Commission (CSC) Resolution No. 8226, circularized in Memorandum Circular (MC) No. 2, s. 2009**, 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 **Amores vs. CSC, G.R. 1700093, 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, on **November 19, 2009, CSC Acting Chairman Cesar D. Buenaflor, issued CSC Office Memorandum (OM) No. 67, s. 2009**, ordering all heads of the Central, Regional and Field Offices of the CSC to (1) approve or validate all appointments issued to non-CES positions if the sole issue is the appointee's lack of third level eligibility; (2) recall the disapproval or invalidation of the approval of appointments previously made on appointments to non-CES positions if the only issue is the appointee's lack of third level eligibility and make proper coordination with the concerned government for the resubmission of such appointments; and, (3) act on all appointments or cases pending involving non-CES positions which were not acted upon by virtue of OM 50, s. 2008 and OM 37, s. 2009;