

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
OFFICE OF THE SECRETARY

10 JUL -1 A9 25

SENATE

S. NO. 15

RECEIVED BY: *A*

Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE


Presidential Decree 807 or the Civil Service Decree of the Philippines created three levels in our civil service system. These are: the first level, which includes the clerical, trades, crafts and custodial service positions for non-professional or sub-professional work requiring less than four years of collegiate studies; the second level, which includes the professional, technical and scientific positions requiring at least four years of college work up to Division Chief level; and the third level, which mainly covers positions in the career executive service, the entry to which is currently prescribed by the Career Executive Service Board or CESB.

Those who belong in the third level of the civil service system occupy positions in the executive and managerial services. They enjoy security of tenure, mobility, and classification based on ranks. These positions have significant roles in the bureaucracy as they have a direct hand both in the formulation and implementation of government policies thus it is important that we enact a system that would set up career development and professionalize the career executive service.

This bill seeks to systematize appointments and promotions in the government by providing for a systematized career rank progression in the bureaucracy. It also seeks to create a Career Executive System Board (CESB) that will issue rules, standards and procedures in the recruitment, selection, assignment to positions, classification, compensation, mobility, performance management, tour of duty, rewards and incentives and training of the career executive officers (CEO).

This bill seeks to promote the concept of merit and fitness over that of trust and confidence. It is hoped that thru the passage of this bill, the practice of appointing people to career executive positions in the government even if that person is not eligible will be averted.

In view of the foregoing, immediate passage of this bill is earnestly sought.


ANTONIO "SONNY" F. TRILLANES IV
Senator

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10 JUL -1 09:25

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
ESTABLISHING THE CAREER EXECUTIVE SYSTEM

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled.

ARTICLE I

GENERAL PROVISIONS

1
2
3
4 **SECTION 1. *Short Title.*** – This Act shall be known as the "*Career Executive System*
5 *Act of 2010*".
6

7 **SEC. 2. *Declaration of Policy.*** – It is the policy of the State under Article IX, B. Section
8 3 of the 1987 Philippine Constitution to establish a career service and to provide the public sector
9 with a well-selected and development-oriented corps of public managers who possess the
10 necessary expertise and responsive leadership that will serve as a stabilizing force, an instrument
11 for change, a vanguard of professionalism and careerism in the civil service, and a critical link
12 between the government and the people. Towards this end, the State hereby calls for an effective,
13 efficient and responsible administration of the executive/managerial class within the third level
14 of the career service that will maintain continuity and stability in the bureaucracy.
15

16 **SEC. 3. *Coverage.*** – This Act shall cover the executive/managerial class of the third
17 level which constitutes the Career Executive System.
18

19 **SEC. 4. *Definition of Terms.*** – As used in this Act, the following terms
20 shall be construed as follows:

- 21 (a) "Third Level" refers to the highest level in the career service of the Civil Service
22 System under the 1987 Philippine Constitution which includes positions in the
23 executive and managerial class, and the positions in the highly technical and specialized
24 class such as the foreign service, the scientific, technical, artistic and academic fields, in

1 all branches, subdivisions, instrumentalities and agencies of the government including
2 government-owned or controlled corporations with original charters. The third level
3 covers all positions higher than chief of division based on the position classification
4 system of the Department of Budget and Management and the Civil Service
5 Commission, or based on such other systems as may be applicable across the executive,
6 legislative and judicial branches, including constitutional offices.

7 (b) "Career Executive System (CES)" refers to the system of professionalization and
8 career development of the executive and managerial component of the third level in the
9 career service.

10 (c) "Career Executive System Board (CESB)" refers to the policy making body
11 responsible for the development, maintenance and administration of the Career
12 Executive System.

13 (d) "Career Executive Officer (CEO)" refers to a Career Executive Officer-Eligible who
14 is conferred a CES rank and appointed to a position covered by the CES.

15 (e) "Career Executive Officer-Eligible (CEO-E)" refers to a person who passed the
16 qualifying examination process set by the Board through the Civil Service Commission
17 but has not yet been appointed to a position in the CES.

18 (f) "Rank" refers to the index of classification of Career Executive Officers to which a
19 Career Executive Officer-Eligible may be appointed by the Civil Service Commission
20 in accordance with the requirements prescribed by the Board.

21 (g) "Mobility" refers to the movement of a Career Executive Officer from one position to
22 another without reduction in rank or salary.

23 (h) "Highly Technical/Specialized Class" refers to the class of positions requiring
24 technical skills or training in the superior degree involving highly specialized duties
25 and requiring extended training and experience as to render impracticable the giving of
26 a competitive examination.

27 (i) "Executive/Managerial Class" refers to the class of positions above chief of division
28 primarily charged with the implementation of policies and the routine operations of an
29 office.

31 **ARTICLE II**

32 **CAREER EXECUTIVE SYSTEM**

33
34 **SEC. 5. *The Career Executive System (CES).*** – The Career Executive System shall
35 cover all executive and managerial positions in the third level in the executive, legislative and
36 judicial branches, including constitutional offices and such other equivalent positions as may be

1 identified by the Board. Entry and advancement in the CES shall be governed by the principles
2 of merit and fitness and other requirements as may be prescribed by the Board through the Civil
3 Service Commission. The Career Executive System shall be essentially characterized by the
4 principles of merit and fitness, security of tenure and mobility.

5
6 **SEC. 6. Career Executive System Board (CESB).** – A Career Executive System Board,
7 hereinafter referred to as the Board, under the administrative supervision of the Civil Service
8 Commission (CSC), hereinafter referred to as the Commission, is hereby created. It shall be
9 composed of the chairperson of the Commission as the Board's *ex officio* chairperson; and three
10 (3) *ex officio* members namely: the Secretary of the Department of Budget and Management or
11 his/her permanent representative not lower than an undersecretary; the President of the
12 Development Academy of the Philippines and the Dean of the National College of Public
13 Administration and Governance of the University of the Philippines. The Board shall also
14 include three (3) members to be appointed by the Chairperson for a term of three (3) years
15 namely: a representative of the nationwide association of career executive officers, a
16 representative of the nationwide association of personnel managers in the private sector, both of
17 whom shall be nominated by their respective associations, and one (1) representative from the
18 ranks of retired Career Executive Officers who is familiar with the principles and methods of
19 personnel administration. The members of the Board shall be provided with *per diems* and
20 allowances as may be determined by the Commission.

21
22 **SEC. 7. Powers and Functions of the Board.** – The Board shall be the policy making
23 body of the Career Executive System. It shall promulgate rules, standards and procedures in the
24 recruitment, selection, assignment to positions, classification, compensation, mobility,
25 performance management, tour of duty, rewards and incentives, and training and career
26 development of Career Executive Officers and Career Executive Officer-Eligibles.

27
28 **SEC. 8. Office of the Career Executive and Specialized Systems (OCESS).** – The Office
29 of the Career Executive and Specialized Systems (OCESS), which shall be an office under the
30 Commission, shall serve as the CESB secretariat with its own administrative and financial
31 component. It shall be responsible for the implementation of the policies, rules, regulations,
32 decisions, directives and instructions pertaining to the third level of the career service. An
33 assistant commissioner of the Commission shall head the OCESS and shall be assisted by a
34 Director IV, both of whom shall be Career Executive Officers, and shall be appointed by the
35 chairperson of the Commission upon recommendation by the Board.

1 **SEC. 15. *Mobility in the Career Executive System.*** – A Career Executive Officer may be
2 assigned to any position in the Career Executive System without diminution in rank and salary.
3 There shall be a tour of duty of three (3) years for each CEO during which period he/she shall
4 not be transferred to another office or position without his/her consent. In filing a vacancy, the
5 head of agency shall choose from those who have been granted rank or eligibility. The
6 Commission, through the Board, shall provide information on vacancies, an updated list of
7 available qualified persons who may be assigned, and such other mechanisms to assist the head
8 of agency in the selection.

9
10 **SEC. 16. *Assignment to Positions in the Career Executive System.*** – Career Executive
11 Officer-Eligibles shall be given priority in assignments to vacant positions in the Career
12 Executive System. In exceptional cases, a non-CEO-Eligible may be assigned to a position in the
13 Career Executive System on a temporary status: *Provided*, that he/she shall be replaced once a
14 CEO-Eligible becomes available. Those who are in Salary Standardization Law (SSL)-exempt
15 agencies shall also be required to be CEO-Eligibles prior to their assignments to positions in the
16 Career Executive System. All career undersecretaries and assistant secretaries and other officials
17 of similar rank shall come from the CEO-Eligibles. The assigning authority shall choose from a
18 list of at least three (3) eligibles who are qualified, available and willing to be assigned to said
19 vacant position. The number of career undersecretaries and assistant secretaries and other
20 officials of similar rank shall conform to the number set by law. The Commission shall establish
21 a mechanism to ensure that assignments to positions in the Career Executive System conform to
22 the standards prescribed under this Act.

23
24 **SEC. 17. *Discipline.*** – The Commission shall have the authority to discipline occupants
25 of positions in the Career Executive System: *Provided*, that, such authority to discipline shall be
26 concurrent with the assigning authority.

27
28 **SEC. 18. *Training and Career Development.*** – The Board shall establish a continuing
29 program of training and career development for CEO and CEO-Eligibles.

30
31 **SEC. 19. *Performance Management.*** – The Board shall develop a system for periodic
32 evaluation of the performance of occupants of positions in the Career Executive System taking
33 into account their accomplishments and managerial capability. This periodic evaluation system
34 shall be the basis for the grant of incentives and awards, as well as for sanctions for poor
35 performance.

1 Commission, that are inconsistent with this Act are hereby repealed. All laws, rules and
2 regulations or parts thereof that are inconsistent with the provisions of this Act are hereby
3 repealed or modified accordingly.

4

5 **SEC. 23. *Separability Clause.*** – If any part, section or provision of this Act is held
6 invalid or unconstitutional, no other part, section or provision shall be affected by the invalidity
7 or unconstitutionality thereof.

8

9 **SEC. 24. *Effectivity.*** – This Act shall take effect after fifteen (15) days from its
10 publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,