

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

12 MAY 20 1978

SENATE

S. NO. 3213

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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**EXPLANATORY NOTE**

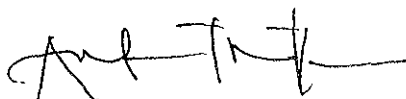
Presidential Decree 807 or the Civil Service Decree of the Philippines created three levels in our civil service system. These are: the first level, which includes the clerical, trades, crafts and custodial service positions for non-professional or sub-professional work requiring less than four years 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 Service 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 Service Officers (CESOs).

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

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

112 MAY 20 1948

SENATE

S. No. 3213

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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**AN ACT STRENGTHENING THE CAREER EXECUTIVE SERVICE**

*Be it enacted by the Senate and House of Representative of the Philippines in Congress assembled:*

**ARTICLE I  
GENERAL PROVISIONS**

1 **SECTION 1. *Short Title.*** – This Act shall be known as the "*Career Executive Service*  
2 *Act of 2012*".

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

1           **SEC. 3. Coverage.** – This Act shall cover the executive/managerial class of the  
2 third level of the career service in the Executive Branch of the government, all of whom  
3 shall be appointed by the President, and those occupying positions above division chief  
4 level but are not appointed by the President, which constitutes the Career Executive  
5 System.

6  
7           **SEC. 4. Definition of Terms.** – As used in this Act, the following terms shall be  
8 construed as follows:

9  
10           (a) *Third Level* refers to the highest level in the career service of  
11 the Civil Service System which includes positions in the executive and  
12 managerial class covering all positions higher than chief of division based  
13 on the position classification system of the Department of Budget and  
14 Management and the Civil Service Commission.

15  
16           (b) *Career Executive Service (CES)* refers to the corps of well-  
17 selected and development-oriented career executives who provide  
18 competent and faithful service.

19  
20           (c) *Career Executive System (System)* refers to the system designed  
21 to professionalize and promote career development among the executive  
22 and managerial personnel of the third level in the career service.

23  
24           (d) *Career Executive Service Board (CESB)* refers to the policy-  
25 making body responsible for the development, maintenance and

1 administration of the System under the supervision of the Civil Service  
2 Commission as provided herein.

3  
4 (e) *Career Executive Service Officer (CESO)* refers to Career  
5 Executive Service Eligible who is conferred a CES rank and appointed to  
6 a position covered by the CES.

7  
8 (f) *Career Executive Service Eligible (CESE)* refers to a person  
9 who passed the qualifying examination process set by the CESB but has  
10 not yet been appointed to a position in the CES.

11  
12 (g) *Rank* refers to the index of classification of CESOs to which a  
13 CESE may be appointed by the President in accordance with the  
14 requirements prescribed by the Board.

15  
16 (h) *Mobility* refers to the movement of a CESO from one position  
17 to another without reduction in rank and salary.

18  
19 **ARTICLE II**  
20 **CAREER EXECUTIVE SYSTEM**  
21

22 **SEC. 5. *The Career Executive System (System)*** – The System shall cover all  
23 executive and managerial positions in the third level of the career service in the Executive  
24 Branch, as defined in Section 4 hereof. Entry and advancement in the System shall be  
25 governed by the principles of merit and fitness and such other requirements, as may be  
26 prescribed by the CESB. The System shall be essentially characterized by the principles  
27 of merit and fitness, security of tenure and mobility.

1

2           **SEC. 6. Career Executive Service Board (CESB)** – A Career Executive board,  
3 hereinafter referred to as the Board, under the supervision of the Civil Service  
4 Commission is hereby created. It shall be composed of the most senior commissioner of  
5 the Commission who shall serve as the Board’s *ex officio* Chairperson and four (4) *ex*  
6 *officio* members, namely: the Secretary of the Department of Budget and Management  
7 (DBM) or his/her permanent representative holding a position not lower than an  
8 undersecretary; the President of the Development Academy of the Philippines (DAP); the  
9 Dean of the National College of Public Administration and Governance (NCPAG) of the  
10 University of the Philippines; the president or representative of a duly accredited national  
11 federation or union of CESOs. The Board shall also include three (3) members to be  
12 appointed by the President for a term of three (3) years, namely: the president or  
13 representative of a nationwide association of personnel and/or human resource  
14 practitioners in the private section; the president or representative of the Philippine  
15 Association of Professional Regulatory Board Members (PAPRBM) and a representative  
16 of the Office of the President.

17

18           **SEC. 7. Powers and Functions of the Board.** – The Board shall be the policy-  
19 making body for the System. It shall promulgate rules, standards and procedures in the  
20 recruitment, selection, assignment to positions, attestation of appointment to CES  
21 positions, conferment of ranks, classification, compensation, mobility, performance  
22 management, tour of duty, rewards and incentives and training and career development of  
23 CESOs and CESEs: *Provided*, That in the exercise of its power of supervision, the  
24 Commission may *motu proprio* review, revise, reverse or modify any policy, ruling

1 and/or action of the Board within a period of thirty (30) days from receipt of written  
2 notice thereof: *Provided, further,* That if the Commission does not act within the said  
3 period, the subject policy, ruling and/or action of the Board shall be deemed as  
4 presumptively approved by the Commission.

5  
6 **SEC. 8. *Office of the Career Executive Service (OCES).*** – The Office of the  
7 Career Executive Service (OCES) shall serve as the Board’s secretariat with its own  
8 administrative and financial components. It shall be responsible for the implementation of  
9 the policies, rules, regulations, decisions, directives and instructions pertaining to the  
10 System. It shall be headed by an Executive Director, who shall be assisted by a Deputy  
11 Executive Director both of whom shall be appointed by the Chairperson of the  
12 Commission upon recommendation by the Board.

13  
14 **ARTICLE III**  
15 **POLICIES AND STANDARDS IN THE CAREER**  
16 **EXECUTIVE SYSTEM**  
17

18 **SEC. 9. *Membership in the Career Executive System.*** – A person who meets the  
19 academic, leadership, experience and other requirements and passes the required  
20 examination prescribed by the Board shall be included in the register of CESEs and upon  
21 appointment to an appropriate rank in the CES, become an active member of the CES. A  
22 CESE who is appointed to a position in the CES shall be recommended for original  
23 appointment to CESO rank by the Board. This process completes his/her membership in  
24 the CES. The area of recruitment shall be government-wide with provisions to allow  
25 qualified or outstanding persons from outside the government to enter the CES.

1           **SEC. 10. *Security of Tenure.*** – A CESO shall enjoy security of tenure in the CES  
2 based on eligibility, and shall not be suspended nor dismissed except for cause and with  
3 due process of law.

4  
5           **SEC. 11. *Compensation.*** – A CESO shall be compensated according to rank and  
6 performance. In case a CESO occupies a position whose salary grade is higher than that  
7 of his/her rank, he/she shall receive the difference between the salary grade of his/her  
8 position and his/her rank. The Board, in coordination with the Commission and the DBM,  
9 shall develop and periodically review a compensation plan for CESOs. The employing  
10 agency shall provide the funds to pay the salary, fringe benefits and allowances of a  
11 CESO.

12           **SEC. 12. *Rank System in the Career Executive System.*** – A CESO shall be  
13 appointed in accordance with a rank system, which shall be established and determined  
14 by the Board. Rank classification shall be based on proven competence and qualifications  
15 such as appropriate academic and professional background, broad levels of responsibility  
16 and other relevant considerations as may be prescribed by the Board.

17  
18           **SEC. 13. *Appointment to Rank.*** – Only a CESE appointed to a position in  
19 the CES, shall be appointed to rank by the President upon recommendation by the  
20 Board.

21  
22           **SEC. 14. *Promotion in Rank.*** – The Board shall provide for the criteria which  
23 shall be the basis for promotion in rank. The criteria to be established shall include, but  
24 shall not be limited to, performance, qualifications, and proven competence. The Board

1 shall recommend to the President qualified CESOs who meet the criteria prescribed by  
2 the Board for promotion in rank.

3  
4 **SEC. 15. *Mobility in the Career Executive System.*** – A CESO may be assigned  
5 to any position in the System without diminution in rank and salary. The tour of duty of  
6 each CESO shall be for a period of three (3) years during which period he/she shall not  
7 be transferred to another office or position without his/her consent. In filling a vacancy,  
8 the head of agency shall give preference and priority to those who have been appointed to  
9 rank or conferred CES eligibility. The Board shall provide information on vacancies, an  
10 updated list of available qualified persons who may be assigned, and such other  
11 mechanisms to assist the head of agency in the selection.

12  
13 **SEC. 16. *Appointment to Positions in the Career Executive System.*** – CESOs  
14 and CESEs shall be given priority in appointments to vacant positions in the System. In  
15 exceptional cases, a non-CESO and non-CESE may be appointed to a position in the  
16 System on a temporary status: *Provided*, That he/she may be replaced once a CESO or  
17 CESE becomes available. Officials who are in Salary Standardization Law (SSL)-exempt  
18 agencies shall likewise be required to be CESEs before being appointed in the System.  
19 Career undersecretaries and assistant secretaries and other officials of similar rank in the  
20 System shall preferably come from CESOs and CESEs. The appointing authority shall  
21 choose from a list of at least three (3) eligibles who are qualified, available and willing to  
22 be appointed to said vacant position. The number of career undersecretaries and assistant  
23 secretaries and other officials of similar rank shall conform to the number set by law. The



1 Commission shall establish a mechanism to ensure that assignments to positions in the  
2 System conform to the standards prescribed under this Act.

3

4 **SEC. 17. *Discipline.*** – Investigation and adjudication of administrative  
5 complaints against occupants of positions in the CES appointed by the President, shall be  
6 vested with the Office of the President (O.P). In the case of non-presidential appointees,  
7 the same shall be vested in the head of the agency.

8

9 **SEC.18. *Training and Career Development.*** – The Board shall establish a  
10 continuing program of training and career development of CESOs and CESEs.

11

12 **SEC. 19. *Performance Management.*** – The Board shall develop a system for  
13 periodic evaluation of the performance of occupants of positions in the CES taking into  
14 account their accomplishments and managerial capabilities. This periodic evaluation  
15 system shall be the basis for the grant of incentive and awards, as well as for sanctions for  
16 poor performance.

17

18

19

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#### ARTICLE IV MISCELLANEOUS PROVISIONS

21 **SEC. 20. *Creation of a CESB and OCES Evaluation Body.*** – After the first three  
22 (3) years of implementation of this Act and every three (3) years thereafter, the Civil  
23 Service Commission shall convene an evaluation body that will conduct an evaluation of  
24 the Board and OCES in order to assess the effectiveness of the CESB in managing the  
25 System. The Body shall be composed of no less than three (3) heads of public and private

1 institutions whose work is related to executive development within the framework of  
2 developing countries like the Philippines. At least two (2) of them should come from  
3 non-government institutions (NGOs).

4

5 In making their evaluation report and recommendations, the evaluation body shall  
6 conduct public consultations and indicate in the said reports and recommendations which  
7 portions have been the result of the said public consultations.

8

9 The evaluation body shall submit its report and recommendations to the Board,  
10 OCES, CSC and appropriate committees in Congress.

11

12 **SEC. 21. Appropriations.** – To carry out the provisions of this Act, such amount  
13 as may be necessary is hereby authorized to be appropriated from the National Treasury.  
14 Thereafter, such amount necessary to carry out the provisions of this Act shall be  
15 included in the annual appropriations as a separate item under the Civil Service  
16 Commission.

17

18 **SEC. 22. Transitory Provisions.** – The incumbent Chairman of the Board of the  
19 Career Executive Service Board (Old Board), as well as the other incumbent Board  
20 members, shall continue to exercise their duties and functions until the new Board shall  
21 have been created, pursuant to this law. The Career Executive System Board (New  
22 Board) created under this law shall then succeed and take over the functions of the Career  
23 Executive Service Board (Old Board) and the composition and members of the New

1 Board, as enumerated under Section 6 of this Act, shall assume their respective posts:

2 *Provided, That:*

3

4 (a) All rights pertaining to the CESOs and CESEs which shall have  
5 accrued prior to the effectivity of this Act shall be respected.

6

7 (b) Career Service Executive Eligibles (CSEEs) in the CES at the  
8 time of the effectivity of this Act shall be allowed to undergo further  
9 screening process to qualify as CESEs.

10

11 (c) The personnel, assets, funds, grants and records of the current  
12 CESB secretariat are hereby transferred to the OCES.

13

14 (d) Incumbent officials and employees of the current CESB  
15 secretariat shall continue to exercise their respective functions, duties and  
16 responsibilities with the corresponding benefits and privileges and shall be  
17 deemed absorbed by the OCES.

18

19 **SEC. 23. *Implementing Rules and Regulations.***- The Board and the Commission  
20 shall promulgate jointly the implementing rules and regulations (IRR) as may be  
21 necessary to implement the intent and purposes of this Act. Said IRR shall be published  
22 in the *Official Gazette* and in two (2) newspapers of general circulation.

1           **SEC. 24. *Repealing Clause.*** – Article IV, Part III of the Integrated  
2 Reorganization Plan, as approved under Presidential Decree No. 1, as amended, is hereby  
3 repealed. All provisions of Executive Order No. 292, or the Revised Administrative Code  
4 of 1987 and Executive Order No. 891, series of 2010 that are inconsistent with this Act  
5 are hereby repealed. All laws, rules and regulations or parts thereof that are inconsistent  
6 with the provisions of this Act are hereby repealed or modified accordingly.

7

8           **SEC. 25. *Separability Clause.*** – If any part, section or provision of this Act is  
9 held invalid or unconstitutional, no other part, section or provision shall be affected by  
10 the invalidity or unconstitutionality thereof.

11

12           **SEC. 26. *Effectivity.*** – This act shall take effect after fifteen (15) days from its  
13 publication in the *Official Gazette* or in two (2) newspapers of general circulation.

Approved: