

[EXECUTIVE ORDER NO. 3, July 30, 2010]

**AN EXECUTIVE ORDER REVOKING EXECUTIVE ORDER NO. 883
DATED 28 May 2010**

WHEREAS, Section (2) article IX-B of the 1987 Constitution states that "appointments in the civil service shall be made only according to merit and fitness to be determined, as far as practicable, and, except to positions which are policy-determining, primarily confidential, or highly technical, by competitive examination."

WHEREAS, under article IV, Chapter I, Part III of the Integrated Reorganizational Plan under P.D. No. 1, the exclusive power to "promulgate rules, standards and procedures on the selection, classification, compensation and career development of members of the Career Executive service (CES)" is vested with the Career Executive Service Board (CESB);

WHEREAS, under section 8, Chapter II, book V of EO 292 or the Administrative Code of 1987, "entrance to the third level (Career Executive Service) shall be prescribed by the CESB";

WHEREAS, Executive Order No. 883 dated 28 May 2010 automatically vests lawyers "occupying legal positions in the government executive service who have obtained graduate degrees in law and successfully passed their bar examinations" with the rank of CESO III in the CES;

WHEREAS, Executive Order No. 883 encroaches upon the power of the CESB to "promulgate rules, standards and procedures on the selection, classification, compensation and career development of members of the Career Executive service (CES)" vested by law with the Career Executive Service Board (CESB);

WHEREAS, from the foregoing, it is evident that EO 883 amounts to a repeal or amendment of the provisions of P.D. 1 and E.O. 292 which were issued when the President had legislative powers, hence illegal and void.

NOW, THEREFORE, I, BENIGNO S. AQUINO III, by virtue of the powers vested in me by the Constitution as President of the Republic of the Philippine by law, do hereby declare:

SECTION 1. *Revocation* – Executive Order No. 883 dated 28 May 2010 is hereby revoked.

SECTION 2. *Repealing Clause* – All executive orders, administrative orders, proclamations, rules and regulations or parts thereof that are in conflict with this Executive Order are hereby modified accordingly.

SECTION 3. *Effectivity* – This Executive order shall take effect immediately.

DONE in the City of Manila, this 30 th day of July, in the year of our Lord, Two Thousand and Ten.