

[OP EXECUTIVE ORDER NO. 891, S. 2010, June 10, 2010]

DIRECTING ALL DEPARTMENTS, AGENCIES OF THE NATIONAL GOVERNMENT, AND GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS WITH ORIGINAL CHARTERS, TO SUBMIT TO THE CAREER EXECUTIVE SERVICE BOARD FOR ITS ATTESTATION, ALL APPOINTMENTS OF APPOINTEES OCCUPYING CAREER EXECUTIVE SERVICE AND/OR THIRD LEVEL POSITIONS

WHEREAS, Paragraph 1, Article IV, Part III of the Integrated Reorganization Plan (IRP), as implemented by Presidential Decree No. 1 (PD 1), as amended, created the Career Executive Service (CES);

WHEREAS, Paragraph 2, Article IV, Part III of the IRP, as amended, mandated the Career Executive Service Board (CESB) as the governing body of the 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. Civil Service Commission, 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 Civil Service Commission (CSC);

WHEREAS, Section 8 (2), Chapter 2, Subtitle I, Book V of the Administrative Code of 1987, provides that "*(e)ntrance to the third level shall be prescribed by the Career Executive Service Board*";

WHEREAS, Section 8 (1) (c), Chapter 2, Subtitle A, Title I, Book V of the Administrative Code of 1987 provides that the "*third level shall cover positions in the Career Executive Service*";

WHEREAS, Section 7 (3), Chapter 2, Subtitle A, Title 1, Book V of the Administrative Code of 1987, provides that the career service shall include positions in the CES; namely, Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director, Assistant Regional Director, Chief of the Department service and other officers of equivalent rank as may be identified by the CESB, all of whom are appointed by the President;

WHEREAS, Paragraph 5(c), Article IV, Part III of the IRP provides that, appointment to appropriate classes in the Career Executive Service shall be made by the President from a list of career (service) executive eligibles recommended by the Board. Such appointments shall be made on the basis of rank;

WHEREAS, reading together Section 7 (3), Chapter 2, Book V of EO 292 and Par. 5 (c), Article IV, Part III of the IRP, providing for the appointment to be made pertains to appointments to ranks, to complete ones membership in the CES, as opposed to appointment to positions which may or may not be vested in the President;