

[CESB RESOLUTION NO. 716, February 12, 2008]

**REVISED RULES ON THE EFFECTS OF PENDENCY OF A CRIMINAL
OR ADMINISTRATIVE CASE IN THE CONFERMENT OF CES
ELIGIBILITY**

WHEREAS, on September 14, 2004, the Board, through CESB Resolution No. 559, resolved to amend Sections 3, 4 and 5 of Article VII of CESB Resolution No. 459, relative to the effects of an applicant's pending criminal/administrative case in the conferment of his CES eligibility;

WHEREAS, while it is recognized that the Board has the statutory duty to confer CES eligibility only to deserving officials, it cannot be ignored that there is likewise a need to uphold the fundamental human rights as well as value the worth and dignity of every person

WHEREAS, this commitment is enshrined in Section 11, Article II of our Constitution which provides: The State values the dignity of every human person and guarantees full respect for human rights. Philippine authorities, therefore, have the responsibility of protecting and promoting the right of every person to liberty and due process, particularly the right to be presumed innocent until the contrary is proved;

WHEREAS, there is thus a need to reexamine the propriety of retaining Sections 3i 4 and 5 of CESB Resolution No. 559, s. 2004, taking into consideration the constitutional guarantee of presumption of innocence;

WHEREAS, the present policy of the Board to hold in abeyance the conferment of CES eligibility to a successful applicant runs counter to the presumption of innocence resulting to injustice, inasmuch as the latter is made to suffer the effects of his delayed conferment;

WHEREFORE, the abovementioned premises considered, it is RESOLVED as it is HEREBY RESOLVED, to further amend Sections 3,4 and 5 of CESB Resolution No. 559 s. of 2004 in line with the constitutional guarantee of presumption of innocence;

RESOLVED FURTHER that the pendency of a criminal/administrative case shall not constitute a bar to the conferment of CES eligibility to a successful applicant, unless there is a law to the contrary.

Adopted: 12 Feb. 2008

(SGD.) HON. BERNARDO P. ABESAMIS
Chairperson