

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 9201



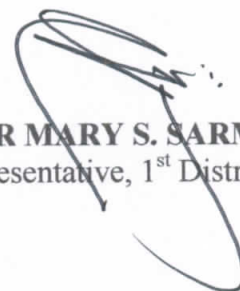
Introduced by Representative Edgar Mary S. Sarmiento

EXPLANATORY NOTE

This bill seeks to strengthen the Career Executive Service through the introduction of structural changes.

The Career Executive Service seeks to provide a steady and qualified pool of employees to be appointed to managerial positions in the Executive branch of the government. It grants them security of tenure, mobility, and classification based on ranks. These individuals greatly contribute in policy planning and implementation. Though there may be changes in government administration, they provide continuity amidst several transitions. Thus, the system that protects and enhances their capabilities must be reviewed and improved.

In view thereof, approval of this bill is earnestly sought.


EDGAR MARY S. SARMIENTO
Representative, 1st District Samar

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Third Regular Session

House Bill No. **9201**

Introduced by: **REP. EDGAR MARY S. SARMIENTO**

AN ACT STRENGTHENING THE CAREER EXECUTIVE SERVICE

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

ARTICLE 1

GENERAL PROVISIONS

SECTION 1. Short Title – This Act shall be known as the “Career Executive Service Act of 2017.”

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

SECTION 3. Coverage – this Act shall cover the Career Executive Service which consist of the executive/managerial class of the third level of the career service in the Executive Branch of the government all of whom shall be appointed by the President and those occupying positions above division chief level but are not appointed by the President.

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

a) “Career Executive Service (CES)” refers to the corps of well-selected and development-oriented career executive who provide competent and faithful service.

b) "Career Executive Service Board (CESB)" refers to the policymaking body responsible for the development, maintenance and administration of the System under the supervision of the Civil Service Commission as provide herein.

c) "Career Executive Service Eligible (CESE)" refers to a person who passed the qualifying examination process set by the CESB but has not yet been appointed to a position in the CES.

d) "Career Executive Service Officer (CESO)" refers to a Career Executive Service Eligible who is conferred a CES rank and appointed to a position covered by the CES.

e) "Career Executive System (System)" refers to the system designed to professionalize and promote career development among the executive and personnel of the third level in the career service.

f) "Mobility" refers to the movement of a CESO from one position to another without reduction in rank of salary.

g) "Rank" refers to the index of classification of CESO to which a CESE may be appointed by the President in accordance with the requirements prescribed by the Board.

h) "Third Level" refers to the highest level in the career service of the Civil Service System includes positions in the executive and managerial class covering all positions higher than Chief of Division based on the position classification system of the Department of Budget and Management and the Civil Service Commission.

ARTICLE II

CAREER EXECUTIVE SYSTEM

SECTION 5. The Career Executive System – The System shall cover all executive and managerial positions in the third level of the career service in the Executive Branch, as defined in Section 4 hereof Entry and advancement in the System shall be governed by the principles of merit and fitness, security of tenure and mobility.

SECTION 6. Career Executive Service Board (CESB). – A Career Executive Service Board, hereinafter referred to as the Board under the supervision of the Civil Service Commission whose Chairperson shall serve as the Board's ex-officio Chairperson and four (4) ex-officio members namely: the Secretary of the Department of Budget and Management (DBM) or his/her permanent representative holding a position not lower than an Undersecretary; the President of the Development Academy of the Philippines (DAP); the Dean of the National College of Public Administration and Governance (NCPAG) of the University of the Philippines; and the representative of a duly accredited national federation or union of CESOs. The board shall also include three (3) members to be appointed by the President for a term of three (3) years , namely: a representative of a nationwide association of personnel and/or human resource practitioners in the private sector; a representative of the Philippine Association of Professional Regulatory Board Members (PAPRBM) and a representative of the Office of the President.

SECTION 7. Powers and Functions of the Board - The Board shall be the policy-making body for the System. It shall promulgate rules, standard and procedures in the recruitment, selection, assignment to positions, attestation of appointment to CES positions, conferment of ranks, classification, compensation, mobility, performance management, tour of duty, rewards of incentives and training, and career development of CESOs and CESEs: Provided, That in the exercise of its power of supervision, the Commission may motu proprio review, revise or reverse any policy of the Board within a period of thirty (30) days from receipt of written notice thereof. Provided, further, that if the Commission does not act within the said period, the subject policy of the Board shall be deemed as presumptively approved by the Commission.

SECTION 8. Office of the Career Executive Service (OCES). - The office of the Career Executive Service (OCES) shall serve as the Board's secretariat with its own administrative and financial components. It shall be responsible for the implementation of the policies, rules, regulations, decisions, directives and instructions pertaining to the System. It shall be headed by an Executive Director, who shall be appointed by the President assisted by two (2) Deputy Executive Directors, both of whom shall be appointed by the President.

ARTICLE III

POLICIES AND STANDARDS IN THE CAREER EXECUTIVE SYSTEM

SECTION 9. Membership in the Career Executive System. - A person who meets the academic, leadership, experience and other requirements and passes the required examination prescribed by the Board shall be included in the register of CESEs and upon appointment to an appropriate rank in the CES, shall become an active member of the CES. A CESE who is appointed to a position in the CES shall be recommended for the original appointment to CESO rank by the Board. This process completes his/her membership in the CES. Recruitment into the System shall be conducted government-wide with provisions to allow qualified or outstanding persons from the non-government or private sector to enter the CES.

SECTION 10. Security and Tenure. - A CES incumbent shall enjoy security of tenure in the CES based on eligibility, and shall not be suspended nor dismissed except for cause and due process of law.

SECTION 11. Composition. - A CESO shall be compensated according to rank and performance. In case a CESO occupies a position whose salary grade is higher than that of the rank the CESO is holding, the CESO shall receive the difference between the salary grade of the position and the rank. The Board, in coordination with the Commission and the DBM, shall develop and periodically review a compensation plan for CESOs. The employing agency shall provide the funds to pay the salary, fringe benefits and allowances of a CESO.

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

SECTION 13. Promotion in Rank. – the Board shall provide for the criteria which shall be the basis for promotion in rank. The criteria to be established shall include, but shall not be limited to, performance, qualifications and proven competence. The Board shall recommend to the President qualified CESOs who meet the criteria prescribed by the Board for promotion in rank.

SECTION 14. Mobility in the Career Executive System. – A CESO may be assigned to any position in the System without diminution in rank and salary. The tour of duty of each CESO shall be for the period of three (3) years. During this period, the CESO shall not be transferred to another office or position without consent. In filling a vacancy, the head of agency shall give preference and priority to those who have been appointed to rank or conferred CES eligibility. The Board shall provide information on vacancies, an updated list of available qualified persons who may be assigned, and such other mechanisms to assist the head of agency in the process of selection.

SECTION 15. Appointment to Positions in the Career Executive System. – A CESO and CESE shall be given priority in appointment to vacant positions in the System. In exceptional cases, a non-CESO and non-CESE may be appointed to a position in the System on a temporary status but may be replaced once a CESO or CESE becomes available. Career undersecretaries, assistant secretaries and other official of similar rank in the System shall preferably from the roster of CESOs and CESEs. The appointing authority shall choose from a list of at least three (3) eligible who are qualified, available and willing to be appointed to the vacant position. The number of career undersecretaries, assistant secretaries and other official of similar rank appointed to positions in the government shall conform to the number set by law. The commission shall establish a mechanism to ensure that assignments to positions in the System conform to the standards prescribed under this Act.

SECTION 16. Discipline. – investigation and adjudication of administrative complaints against occupants of positions in the CES appointed by the President shall be vested with the President. In the case of non-presidential appointees, the same shall be vested concurrently with the head of the agency and the Civil Service Commission.

SECTION 17. Training and Career Development. – The Board shall establish a continuing program of training and career development of CESOs and CESEs.

SECTION 18. Performance Management. – The Board shall develop a system for periodic evaluation of the performance of occupants of positions in the CES, taking into account their accomplishments and managerial capability. This periodic evaluation system shall be the basis for the grant of incentives and awards, as well as for sanctions for poor performance.

ARTICLE IV

MISCELLANEOUS PROVISIONS

SECTION 19. Review and Evaluation of the CESB System. – After the first three (3) years of implementation of this Act and every three (3) years thereafter, the Civil Service Commission shall convene an evaluation body that will conduct the evaluation of the Board and the OCES in order to assess the effectiveness of the CESB in managing the System. The

body shall be composed of no less than three (3) heads of public and private institutions whose work is related to executive development within the framework of developing countries like the Philippines. At least two (2) of them should come from non-government organizations (NGOs).

The evaluation body shall conduct public consultations and indicates its evaluation reports and recommendations which portions have been the result of the said public consultations.

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

SECTION 20. Appropriations. – the amount necessary for the initial implementation of this Act shall be charged against the current year's appropriations of the CESB. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the annual General Appropriations Act.

SECTION 21. Transitory Provisions. – The Incumbent Chairman of the Board of the current Career Executive Service Board, as well as the other incumbent Board members, shall continue to exercise their duties and functions until the new Board shall have been created pursuant to this Act. The Career Executive System Board (New Board) created under this Act shall then succeed and take over the functions of the Career Executive Service Board (Old Board) and the composition and members of the New Board, as enumerated under Section 6 of this Act, shall assume their respective posts: Provided, That:

- a.) All rights pertaining to the CESOs and CESEs which shall have accrued prior to the effectivity of this Act shall be respected;
- b.) The personnel, assets, funds, grants, and records of the current CESB secretariat are hereby transferred to the OCES; and
- c.) Incumbent officials and employees of the current CESB secretariat shall continue to exercise their respective functions, duties and responsibilities with the corresponding benefits and privileges and shall be deemed absorbed by the OCES.

SECTION 22. Implementing Rules and Regulations. – The Board and the Commission shall promulgate jointly the implementing rules and regulations (IRR) as may be necessary to implement the intent and purpose of this Act. Said IRR shall be published in the Official Gazette or in two (2) newspapers of general circulation.

SECTION 23. Repealing Clause. – Article IV, Part III of the Integrated Reorganization Plan as approved under Presidential Decree No. 1, as amended, is hereby repealed. All provisions of Executive Order No. 292, or the Revised Administrative Code of 1987 and Executive Order No. 891, series of 2010 that are inconsistent with this Act are hereby repealed. All other laws, rules and regulations or parts thereof that are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 24. Separability Clause. – Is any part, section or provision of this Act is held invalid or unconstitutional, no other part, section or provision shall be affected by the invalidity or unconstitutionality thereof.

227 **SECTION 25. Effectivity Clause.** – This Act shall take effect fifteen (15) days after its
228 publication in the Official Gazette or in at least two (2) newspapers of general circulation.
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230 *Approved,*