



MC No. 13, s. 2011

MEMORANDUM CIRCULAR

TO : ALL HEADS OF CONSTITUTIONAL BODIES;
DEPARTMENTS, BUREAUS AND AGENCIES OF THE
NATIONAL GOVERNMENT; GOVERNMENT-OWNED
OR CONTROLLED CORPORATIONS WITH ORIGINAL
CHARTERS; AND STATE UNIVERSITIES AND
COLLEGES

SUBJECT : Policies for Executive/Managerial Positions in the
Second Level

Pursuant to CSC Resolution No. **1100472** dated **April 8, 2011**, the Commission adopts the following policies for executive/managerial positions in the in the second level that are non-presidential appointees:

1. The second level shall include positions up to division chief level, characterized by professional, technical and scientific work in a non-supervisory or supervisory capacity requiring at least four years of collegiate studies;

For purposes of these rules, positions in the second level shall be categorized into the following functional groups:

- a. Non-supervisory – this includes professional, technical and scientific positions performing work requiring the practice of profession or application of knowledge acquired through formal training in a particular field or the exercise of a natural, creative and artistic ability or talent in arts and letters. Also included in this category are positions involved in research and application of professional knowledge and methods to a variety of technological, economic, industrial and governmental functions.
- b. Supervisory – this includes professional, technical and scientific positions in a department or agency or local government, which have the responsibility of overseeing the work of an organizational unit charged with a major and specialized activity. For this purpose, a supervisor shall be one who plans, programs, delegates tasks and evaluates performance of employees; monitors work outputs; maintains morale and discipline among employees; develops

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cooperation and ensures a well coordinated workforce; and coordinates and cooperates with other organizational units within the department or agency.

- c. Executive/Managerial – this includes professional, technical and scientific positions, the functions of which are managerial in character, exercising management over people, resource, and/or policy and exercising functions such as planning, organizing, directing, coordinating, controlling and overseeing the activities of an organization, a unit thereof or of a group, requiring some degree of professional, technical or scientific knowledge and experience, application of managerial skills required to carry out basic duties and responsibilities involving leadership, functional guidance and control. These positions require intensive and thorough knowledge of a specialized field.
2. Agency heads are enjoined to set the following qualification requirements for appointment to executive/managerial positions in the second level:

Education : Master's Degree

Experience : Five (5) years of supervisory experience

Training : 120 hours of managerial training

Eligibility : Appropriate eligibility for second level positions
Appropriate (RA 1080) Bar/Board (for positions involving practice of profession)

They are not precluded from prescribing qualification standards for executive/ managerial positions in the second level suitable to requirements of their agency, with the assistance and approval of the CSC.

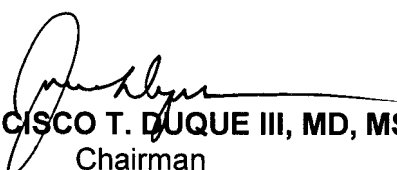
3. Agencies are encouraged to develop a Qualifying and/or Promotional test with the assistance of and/or in coordination with the Civil Service Commission for purposes of screening/assessment for executive/managerial positions in the second level. An in-depth assessment of the behavioral attributes/character of the candidate and a thorough background investigation shall likewise be conducted.
4. Candidates for appointment to executive/managerial positions in the second level shall be screened by the Personnel Selection Board (PSB) for the second level. This is without prejudice to the discretion of agency head to create a special PSB for executive/managerial positions in the second level to be composed of at least three (3) highest ranking career officials in the agency.

5. Vacant executive/managerial positions in the second level that are authorized to be filled, together with their corresponding qualification standards, shall be posted in three (3) conspicuous places in the agency and submitted to the CSC-Examination, Recruitment and Placement Office (ERPO) for publication in the CSC website and the Philjobnet as provided under CSC MC 11, s. 2007.
6. Temporary appointment to executive/managerial positions in the second level may be allowed for a period not to exceed twelve months, in cases wherein there are no qualified eligibles available for appointment as certified by the CSC Regional/Field Office concerned, but the appointee may be replaced sooner if a qualified civil service eligible becomes available. Subsequent renewal appointments may be issued until a qualified eligible becomes available.
7. Executive/managerial positions in the second level occupied by temporary incumbents shall be published and posted at least one month prior to expiration of the temporary appointment.
8. The Performance Management System developed by the Civil Service Commission or a CSC approved Performance Evaluation System shall henceforth be adopted and made basis for promotion and performance-based incentives.

Incumbents of executive/managerial positions in the second level under temporary status, whose only deficiency under the previous qualification standards is the third level eligibility, may be issued permanent appointment. However, promotions shall henceforth be based on above-stated qualification standards approved by the CSC.

All circulars, policies, issuances inconsistent herewith are hereby repealed.

This Memorandum Circular shall take effect fifteen (15) days after the publication of CSC Resolution No. 1100472 dated April 8, 2011 in a newspaper of general circulation.


FRANCISCO T. DUQUE III, MD, MSc
Chairman

04 MAY 2011

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Qs-exec mgrl 2nd level

Note: CSC Res No. 1100472 dated April 8, 2011 was published in the Philippine Star on May 4, 2011.



**Policies on Executive/Managerial
Positions in the Second Level**

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Number: 1100472

Promulgated: 08 APR 2011

RESOLUTION

WHEREAS, Section 3 (1), Article IX(B) of the Philippine Constitution mandates the Civil Service Commission (CSC), as the central personnel agency of the government, to establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service;

WHEREAS, Section 2 (2) Article IX (B) of the Philippine 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, Section 12 (1), Chapter 3, Title I, Book V of the Administrative Code of 1987, states that the Civil Service Commission (CSC) shall administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks in the Civil Service;

WHEREAS, under Section 22(1), Chapter 5, Title I, Book V of the Administrative Code of 1987, qualification standards shall be used as guides in appointment and other personnel actions to be administered in such manner as to continually provide incentives to officers and employees towards professional growth and foster the career system in the government;

WHEREAS, Section 8 (b), Chapter 2, Book V of Executive Order 292 provides that the second level shall include professional, technical and scientific positions which involve professional, technical, or scientific work in a non-supervisory or supervisory capacity requiring at least four years of collegiate work up to Division Chief level while the third level covers positions in the Career Executive Service (CES);

WHEREAS, the Supreme Court in its ruling on CSC vs. Court of Appeals and Philippine Charity Sweepstakes Office (G.R. No.185766, November 23, 2010), categorically pronounced and interpreted Section 7 (3), Title I-Subsection A, Chapter 2, Book V of the Revised Administrative Code of 1987(Executive Order No. 292) to mean that the CES covers presidential appointees only.;

WHEREAS, the doctrine enshrined in the Supreme Court decisions in the Ombudsman and HIGC¹ case has *ipso facto* nullified all resolutions, qualification standards, pronouncements and/or issuances of the Commission insofar as the requirement of third level eligibility to non-CES positions is concerned;

¹ Office of the Ombudsman vs CSC (G.R. No. 159940, February 16, 2005) and G.R. No. 162215, July 30, 2007)
HIGC vs CSC et.al. (G.R. No. 95450, March 19, 1993)

WHEREAS, there are career positions in the second level performing executive/managerial functions comparable to the third level/career executive service positions but are not appointed by the President of the Philippines;

WHEREAS, Item 3 of Joint Resolution No. 4² re-categorized the groups of classes of positions, as follows: (i) Sub-professional Category; (ii) Professional Category; and (iii) Executive Category. Positions under the professional category requires completion of at least four (4) years of college studies or thorough knowledge of specialized fields acquired through completion of bachelor's, master's or doctorate degrees;³

WHEREAS, consistent with the principles of efficiency and progressiveness in the civil service, it becomes imperative to ensure managerial competence for appointment to positions falling under the executive/managerial class in the second level, appointments to which are not made by the President;

NOW, THEREFORE, the Commission, in consideration of the foregoing, **RESOLVED** as it hereby **RESOLVES** to adopt the following policies on executive/managerial positions in the second level that are non-presidential appointees:

1. The second level shall include positions up to division chief level, characterized by professional, technical and scientific work in a non-supervisory or supervisory capacity requiring at least four years of collegiate studies;

For purposes of these rules, positions in the second level shall be categorized into the following functional groups:

- a. Non-supervisory – this includes professional, technical and scientific positions performing work requiring the practice of profession or application of knowledge acquired through formal training in a particular field or the exercise of a natural, creative and artistic ability or talent in arts and letters. Also included in this category are positions involved in research and application of professional knowledge and methods to a variety of technological, economic, industrial and governmental functions.
- b. Supervisory – this includes professional, technical and scientific positions in a department or agency or local government, which have the responsibility of overseeing the work of an organizational unit charged with a major and specialized activity. For this purpose, a supervisor shall be one who plans, programs, delegates tasks and evaluates performance of employees; monitors work outputs; maintains morale and discipline among employees; develops cooperation and ensures a well coordinated workforce; and coordinates and cooperates with other organizational units within the department or agency.⁴

² Joint Resolution Authorizing the President of the Philippines to Modify the Compensation and Position Classification System of Civilian Personnel and the Base Pay Schedule of Military and Uniformed Personnel in the Government and for other Purposes, approved June 17, 2009

³ Item 3(ii) Joint Resolution 4

⁴ Presidential Decree 988

c. Executive/Managerial – this includes professional, technical and scientific positions, the functions of which are managerial in character, exercising management over people, resource, and/or policy and exercising functions such as planning, organizing, directing, coordinating, controlling and overseeing the activities of an organization, a unit thereof or of a group, requiring some degree of professional, technical or scientific knowledge and experience, application of managerial skills required to carry out basic duties and responsibilities involving leadership, functional guidance and control. These positions require intensive and thorough knowledge of a specialized field.

2. Agency heads are enjoined to set the following qualification requirements for appointment to executive/managerial positions in the second level:

- | | | |
|--------------------|---|--|
| Education | : | Master's Degree |
| Experience | : | Five (5) years of supervisory experience |
| Training | : | 120 hours of managerial training ⁵ |
| Eligibility | : | Appropriate eligibility for second level positions Appropriate (RA 1080) Bar/Board (for positions involving practice of profession) |

They are not precluded from prescribing qualification standards for executive/managerial positions in the second level suitable to requirements of their agency, with the assistance and approval of the CSC.⁶

3. Agencies are encouraged to develop a Qualifying and/or Promotional test with the assistance of and/or in coordination with the Civil Service Commission for purposes of screening/assessment for executive/managerial positions in the second level. An in-depth assessment of the behavioral attributes/character of the candidate and a thorough background investigation shall likewise be conducted.
4. Candidates for appointment to executive/managerial positions in the second level shall be screened by the Personnel Selection Board (PSB) for the second level. This is without prejudice to the discretion of the agency head to create a special PSB for executive/managerial positions in the second level to be composed of at least three (3) highest ranking career officials in the agency.

⁵ Managerial training conducted by the Civil Service Commission or the agency covering a combination of the following areas: Advanced Leadership Practices, Planning and Organizing, Controlling Operations, Human Resource Management, Performance Management, Conflict Management, Financial/Budget Management, Managerial Communications and such other specialized areas relevant in the agencies concerned.

⁶ Section 22(2), Chapter 5, Book V of Executive Order 292

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5. Vacant executive/managerial positions in the second level that are authorized to be filled, together with their corresponding qualification standards, shall be posted in three (3) conspicuous places in the agency and submitted to the CSC-Examination, Recruitment and Placement Office (ERPO) for publication in the CSC website and the Philjobnet as provided under CSC MC 11, s. 2007.
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8. The Performance Management System developed by the Civil Service Commission or a CSC approved Performance Evaluation System shall henceforth be adopted and made basis for promotion and performance-based incentives.

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This Resolution shall take effect fifteen (15) days after its publication.

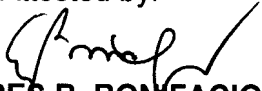
Quezon City,


FRANCISCO T. DUQUE III
Chairman


MARY ANN Z. FERNANDEZ-MENDOZA
Commissioner

VACANT
Commissioner

Attested by:


DOLORES B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office