



MC No. 13, s. 2006

MEMORANDUM CIRCULAR

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

SUBJECT : Considering the Position of General Manager Under the Career Service and Prescribing the Guidelines and Qualification Standards for the said Position Pursuant to R.A. No. 9286

Pursuant to CSC Resolution No. 061052 dated June 20, 2006, the Civil Service Commission has considered the position of General Manager in all local water districts as career service and prescribed the following qualification standards and guidelines:

1. The qualification standards for the position of General Manager in all local water districts, depending on the category, are the following:

F (SG-22) – Small

Education : Bachelor's degree
Experience : 4 years of relevant experience
Training : 24 hours of relevant training
Eligibility : Career Service (Professional)/Second Level Eligibility

E (SG-23) – Average

Education : Bachelor's degree
Experience : 4 years of relevant experience
Training : 24 hours of relevant training
Eligibility : Career Service (Professional)/Second Level Eligibility

D (SG-24) – Medium

Education : Master's degree
Experience : 4 years in position/s involving management and supervision
Training : 24 hours of training in management and supervision
Eligibility : Career Service (Professional)/Second Level Eligibility

C (SG-26) – Big

Education : Bachelor's degree
Experience : 3 years of supervisory experience
Training : 24 hours of training in management and supervision
Eligibility : Career Service Executive Eligibility/Career Executive Service Eligibility

B (SG-27) – Large

Education : Bachelor's degree
Experience : 3 years of supervisory experience
Training : 24 hours of training in management and supervision
Eligibility : Career Service Executive Eligibility/Career Executive Service Eligibility

A (SG-28) – Very Large

Education : Bachelor's degree
Experience : 3 years of supervisory experience
Training : 24 hours of training in management and supervision
Eligibility : Career Service Executive Eligibility/Career Executive Service Eligibility

2. All incumbent General Managers of local water districts holding permanent appointments prior to the Supreme Court decision in the *Davao City Water District, et al. vs. CSC* (G. R. No. 95237-38 dated September 13, 1991) shall retain their permanent status of appointment.
3. All incumbent General Managers of local water districts who hold appointments under coterminous status upon the effectivity of RA 9286 shall be given two (2) years to meet all the requirements for permanent status.

The board of directors of local water districts, however, is not precluded from re-issuing appointments to incumbent General Managers in local water districts who qualify for permanent appointment based on the qualification standards prescribed in No. 1, subject to the Civil Service Law, rules and regulations.

4. All appointments to General Manager positions in all local water districts issued from the date of effectivity of this Resolution shall conform with the qualification standards prescribed in No. 1, subject to the Civil Service Law, rules and regulations.

5. If the LWD is recategorized, the corresponding qualification standards for General Manager position in No. 1 shall apply without prejudice to the vested right of the incumbent who has a permanent appointment.

Please be guided accordingly.



KARINA CONSTANTINO-DAVID
Chairperson

June 23 2006

CSC Res. No. 061052 published in Manila Times on August 2, 2006



LOCAL WATER DISTRICT

Re: *Considering the Position of General Manager Under the Career Service and Prescribing the Guidelines and Qualification Standards for the said Position Pursuant to R.A. No. 9286*

X-----X

RESOLUTION NO. 061052

WHEREAS, the Civil Service Commission (CSC), as the central personnel agency of the government, embraces all branches, subdivisions, instrumentalities and agencies of the Government, including government-owned or controlled corporations with original charters;

WHEREAS, Section 12 (1), Chapter 3, Subtitle A, Title I, Book V of the *Administrative Code of 1987* (Executive Order No. 292) empowers the Commission to administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks in the Civil Service;

WHEREAS, Section 23, Chapter VI, Title II of the Provincial Water Utilities Act of 1973 (Presidential Decree No. 198 dated May 25, 1973 as amended by Presidential Decree No. 768 dated August 15, 1975) provides:

"The General Manager. At the first meeting of the board, or as soon thereafter as practicable, the board shall appoint, by a majority vote, a general manager and shall define his duties and fix his compensation. Said officer shall serve at the pleasure of the board." (underscoring supplied)

WHEREAS, on September 13, 1991, the Supreme Court, in *Davao City Water District, et al., vs. Civil Service Commission, Commission on Audit, G.R. No. 95237-38*, declared that all local water districts fall within the coverage of the Civil Service system. The Supreme Court ruled that *"... those employees who have already acquired their permanent employment status at the time of the promulgation of this decision cannot be removed by the mere reason that they lack the necessary civil service eligibilities." (Underscoring supplied)*

WHEREAS, in 1997, the Commission prescribed the following qualification standards for the position of General Manager in the local water districts:

General Manager A, B, and C (SG 28, 27, and 26, respectively)

- Education : Bachelor's degree*
- Experience : 5 years of relevant experience*
- Training : 32 hours of relevant training*
- Eligibility : None required*

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Board Secretary V
 Commission Secretariat & Liaison Office

General Manager D, E and F (SG 24, 23, and 22, respectively)

*Education : Bachelor's degree
Experience : 4 years of relevant experience
Training : 24 hours of relevant training
Eligibility : None required*

WHEREAS, on June 1, 1997, the Department of Budget and Management approved the *Local Water Districts (LWDs) Manual on Categorization/ Recategorization of LWDs, Model Organizational Structure/Staffing Pattern, Compensation Policy, and Rules for the Implementation Thereon. Letter C (Organizational Structure and Staffing Pattern)*, Part IV of which provides, among others, that:

"1.2 Very Large and Large LWDs

"1.2.1 Only two (2) Groups under the Office of the General Manager, each headed by an Assistant General Manager, is (sic) the maximum allowed to Very Large and Large LWDs.

Very Large

- *Office of the Assistant General Manager for Finance and Administration with six (6) Departments*
- *Office of the Assistant General Manager for Operation with three (3) Departments*

Large

- *Office of the Assistant General Manager for Finance and Administration with three (3) Departments*
- *Office of the Assistant General Manager for Operation with two (2) Departments*

"1.3 Big LWD

"1.3.1 The primary functional grouping of four (4) Departments after the Office of the General Manager, each headed by a Department Manager, is the maximum allowed to Big LWD.

- *Administrative Department*
- *Finance Services Department*
- *Commercial Services Department*
- *Engineering/Operations Department*

"1.4 Medium LWD

"1.4.1 The primary functional grouping of four (4) Divisions under the Office of the General Manager, each headed by a Division Manager, is the maximum allowed to Medium LWD.

- *Administrative Department*
- *Finance Services Department*
- *Commercial Services Department*

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□ *Engineering/Operations Department*

"1.5 *Average LWD*

"The primary functional grouping of two (2) Sections under the Office of the General Manager, each headed by a Senior Level or participating supervisory position, is the maximum allowed for an Average LWD. Positions under each Section shall be straight listed only.

- *Administrative, Finance and Commercial Section*
- *Operations and Technical Services Section*

"1.6 *Small LWD*

"No functional grouping under the Office of the General Manager is allowed for Small LWD. Instead, positions shall be straight listed only." (underscoring supplied)

WHEREAS, based on the abovementioned organizational structures, the highest position in all LWDs, regardless of size, is General Manager;

WHEREAS, the Commission has determined that based on the said organizational structures, staffing pattern, and salary grades, the General Manager position for Very Large, Large and Big LWDs (SG 28, 27, and 26, respectively) can be considered a third level position, the General Manager position for Medium LWDs (SG 24) is equivalent to a division chief, and the General Manager position for Average and Small LWDs (SG 23 and 22, respectively) is equivalent to a Section/Unit Head;

WHEREAS, on August 31, 2004, Republic Act No. 9286 took effect, amending Section 23 of Presidential Decree No. 198 as follows:

"Section 23. The General Manager – At the first meeting of the Board, or as soon thereafter as practicable, the Board shall appoint, by a majority vote, a general manager and shall define his duties and fix his compensation. Said officer shall not be removed from office, except for cause and after due process." (underscoring supplied)

WHEREAS, there is now a need to prescribe the qualification standards for, and the guidelines for appointment to the position of General Manager in local water districts to conform with R.A. No. 9286;

NOW, THEREFORE, the Commission hereby considers the position of General Manager in all local water districts as career service. Hence, in the exercise of its rule-making and policy-formulation functions, it prescribes the following qualification standards and guidelines:

1. The qualification standards for the position of General Manager in all local water districts, depending on the category, are the following:

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Board Secretary V
Commission Secretariat & Liaison Office

F (SG-22) – Small

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Education : Bachelor's degree
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Eligibility : Career Service Executive Eligibility/Career Executive Service Eligibility

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Education : Bachelor's degree
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Eligibility : Career Service Executive Eligibility/Career Executive Service Eligibility

A (SG-28) – Very Large

Education : Bachelor's degree
Experience : 3 years of supervisory experience
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Eligibility : Career Service Executive Eligibility/Career Executive Service Eligibility

2. All incumbent General Managers of local water districts holding permanent appointments prior to the Supreme Court decision in the Davao City Water District, *et al.* vs. CSC (G. R. No. 95237-38 dated September 13, 1991) shall retain their permanent status of appointment.
3. All incumbent General Managers of local water districts who hold appointments under coterminous status upon the effectivity of this Resolution shall be given two (2) years to meet all the requirements for permanent status.

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Commission Secretariat & Liaison Off.



The board of directors of local water districts, however, is not precluded from re-issuing appointments to incumbent General Managers in local water districts who qualify for permanent appointment based on the qualification standards prescribed in No. 1, subject to the Civil Service Law, rules and regulations.

- 4. All appointments to General Manager positions in all local water districts issued from the date of effectivity of this Resolution shall conform with the qualification standards prescribed in No. 1, subject to the Civil Service Law, rules and regulations.
- 5. If the LWD is recategorized, the corresponding qualification standards for General Manager position in No. 1 shall apply without prejudice to the vested right of the incumbent who has a permanent appointment.

Let copies of this Resolution be furnished to all Civil Service Commission Regional Offices and Field Offices.

This Resolution takes effect fifteen (15) days following its publication in a newspaper of general circulation.

Quezon City JUN 20 2006


 KARINA CONSTANTINO-DAVID
 Chairman

Resigning position

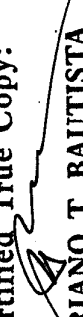
 CESAR D. BUENAFLOR
 Commissioner


 MARY ANN Z. FERNANDEZ-MENDOZA
 Commissioner

Pls. see attached
Discontinuing position

Attested by:


 JUDITH D. CHICANO
 Director IV
 Commission Secretariat and Liaison Office

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 MARIANO T. BAUTISTA
 Board Secretary V
 Commission Secretariat & Liaison Office

OFFICE OF COMMISSIONER CESAR D. BUENAFLOR

OCOM-C Memo No. 27, s. 2006

Local Water District

Re: Categorizing the General Manager
For Very Large, Large and Big Local
Water District as a Third Level Position
and Prescribing the Guidelines and
Qualification Standard for the said
Position Pursuant to Republic Act
No. 9286.

X-----X

MEMORANDUM

FOR : **Chair KARINA CONSTANTINO-DAVID**
Commissioner MARY ANN Z. FERNANDEZ-MENDOZA

With all due respect, after a careful study and examination of Presidential Decree 198, as amended by Republic Act No. 9286, the law creating the position of General Manager in the Local Water Districts, vis a vis the provisions of Executive Order No. 292 (the Administrative Code of 1987) and jurisprudence, I am not inclined to support the policy insofar as classifying the position of General Manager as Third Level and prescribing a third level eligibility.

The law in point and am convinced that the positions belonging to the Career Executive Service and referred to as third level are those enumerated in the Executive Order No. 292, or otherwise referred to as the Administrative Code of 1987. Section 7, paragraph 3, and Section 8, (c), Chapter 2, Title 1 (A), Book V, thereof provides as follows:

SEC. 7. Career Service - The Career Service shall be characterized by (1) entrance based on merit and fitness to be determined as far as practicable by competitive examination, or based on highly technical qualifications, (2) opportunity for advancement to higher career positions; and (3) security of tenure.

x x x

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Board Secretary V

Commission Secretariat & Liaison Office



(3) *Positions in the Career Executive Service, namely, Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director, Assistant Regional Director, Chief of Department Service and other officers of equivalent rank as may be identified by the Career Executive Service Board, all of whom are appointed by the President;*

x x x

SEC. 8. Classes of Positions in the Career Service. – (1) *Classes of positions in the career service, appointments to which requires examinations shall be grouped into three major levels as follows:*

(2) *Except as herein otherwise provided, entrance to the first two levels shall be through competitive examinations, which shall open to those inside and outside the service who meet the minimum qualification requirements. Entrance to a higher level does not require previous qualification on the lower level. Entrance to the third level shall be prescribed by the Career Executive Service Board.*

From the foregoing provisions of the law, it reflects the legislative intent to the third level are those positions enumerated above and all other offices of equivalent rank as maybe identified by the Career Executive Service Board (CESB), all of whom are appointed by the President.

On the other hand, nowhere would we find in **P.D. 198 and as amended by R.A. No. 9286** declaring clearly that said General Manager position be considered as third level position.

Buttressing this posture is the case of **Home Insurance and Guaranty Corporation vs. Civil Service Commission and Daniel T. Cruz, 220 SCRA 149.** Disposing of the contention of private respondent Cruz that his position of Vice President at HIGC belongs to the third level in the career service, the Supreme Court **En Banc** ratiocinated as follows:

“But law and jurisprudence do not support the contention of private respondent. Presidential Decree No. 807, otherwise known as the ‘Civil Service Decree of the Philippines,’ provides the following levels of positions in the career service: x x x (c) the third level, which includes positions in the Career Executive Service.

“Positions in the Career Executive Service consist of Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director, Assistant Regional Director, Chief of Department Service and other officers of equivalent rank as may be

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identified by the Career Executive Service Board, all of whom are appointed by the President.

“Respondent Cruz has not satisfactory shown that his former position as Vice President in the HIGC BELONGS TO THE THIRD LEVEL IN THE CAREER SERVICE AS PRESCRIBED BY THE LAW. His former position as Vice President is not among those enumerated by law as falling under the third level, nor has been established that it is one of those identified by the Career Executive Board as of equivalent rank to those listed by law. Neither is it clamed that he was appointed by the President.

“We agree then with petitioner HIGC that the position of Vice President to which Cruz was formerly appointed belongs to the second level position which under the law includes professional, technical and scientific positions involving professional, technical or scientific work in a non-supervisory capacity requiring at least four years of college work up to Division Chief level.”

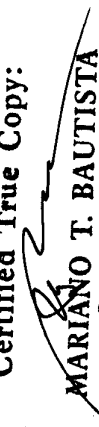
Hence, based from the foregoing provisions of Executive Order No. 292 and in the light of the HIGC ruling, this would effectively cast doubt as to the authority of the Commission in categorizing as belonging to third level and prescribing a Career Service Executive Eligibility (CSEE) or Career Executive Service Eligibility (CESE) the position of General Manager in the Very Large, Large and Big Local Water District.

It is posited that General Manager position, in the absence of law that it belong to the third level, it is only second level pursuant to HIGC case.

Therefore I am reconsidering my previous position contained in Memorandum dated August 23, 2005 to the Chair regarding the same subject.


CESAR D. BUENAFLOR
Commissioner

02 June 2006

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Board Secretary V
Commission Secretariat & Liaison Office

