



**Tanggapan ng Kalihim**  
Office of the Secretary


OCT 27 2004

DepED MEMORANDUM  
No. **430**, s. 2004

DISSEMINATION OF CAREER EXECUTIVE SERVICE BOARD (CESB)  
CIRCULAR NOS. 6 AND 7, S. 2004

To: Undersecretaries  
Assistant Secretaries  
Bureau Directors  
Directors of Services/Centers and Heads of Units  
Schools Division/City Superintendents

1. For the information and guidance of all concerned, enclosed are copies of new Career Executive Service Board (CESB) Circulars, namely:
  - a. CESB Circular No. 6, s. 2004 dated September 17, 2004, "**Revised Policy on Security of Tenure in the Career Executive Service (CES)**"; and
  - b. CESB Circular No. 7, s. 2004 dated September 17, 2004, "**Reiterating the Policy of the Civil Service Commission on Courtesy Resignation**".
2. Immediate dissemination of this Memorandum is desired.

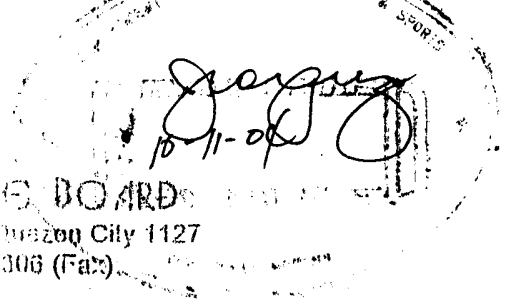
  
FLORENCIO B. ABAD  
Secretary

Encls.: As stated  
Reference: None  
Allotment: 1—(D.O. 50-97)  
To be indicated in the Perpetual Index  
under the following subjects:

EMPLOYEES  
OFFICIALS  
SERVICE



Republic of the Philippines  
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**Circular No. 6**  
Series of 2004

**TO :** All Heads of Departments and Agencies of the National Government, Including Government-Owned or Controlled Corporations with Original Charters, and all Officials in the Career Executive Service

**SUBJECT :** REVISED POLICY ON SECURITY OF TENURE IN THE CAREER EXECUTIVE SERVICE (CES)

The Career Executive Service Board, pursuant to CESB Res. No. 548, dated August 10, 2004 has revised the policy on security of tenure in the Career Executive Service (CES) in conformity with the pertinent policies of the Civil Service Commission (CSC) for third level qualified incumbents. Henceforth, attainment of CES Eligibility by an incumbent of a CES position is enough to enjoy security of tenure in the CES provided he or she has met the other basic requirements of the position established in the qualification standards set or approved by the Civil Service Commission based on the recommendation of the Department or Agency concerned.

It also reiterated that notwithstanding the permanent status of appointment of a third level official, he/she is covered by the mobility principle enshrined under Article IV, Part III of the Integrated Reorganization Plan, as approved by Presidential Decree No. 1, as amended dated September 24, 1972, quoted herein as follows:

"e. Assignments, Reassignments and Transfers.

xxx

xxx

xxx

Any provision of law to the contrary notwithstanding members of the Career Executive Service may be reassigned or transferred from one position to another; provided that such reassignment or transfer is made in the interest of public service and involves no reduction in rank or salary; provided, further, that no member shall be reassigned or transferred oftener than every two years; xxx."

To ensure compliance to the above-quoted mobility principle, reassignment or transfer shall be effected only upon availability of the corresponding position, it being understood that a "floating" status is not within the contemplation of this principle. Assignment to a CESO pool shall not be considered on a floating status.

This Circular shall take effect immediately.



KARINA CONSTANTINO-DAVID  
Chairperson

September 17, 2004

Attested by:



MARY ANN Z. FERNANDEZ-MENDOZA, CESO II  
Executive Director



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**Circular No. 7**  
Series of 2004

**TO :** All Heads of Departments and Agencies of the National Government, Including Government-Owned or Controlled Corporations with Original Charters, and all Officials in the Career Executive Service

**SUBJECT :** REITERATING THE POLICY OF THE CIVIL SERVICE COMMISSION ON COURTESY RESIGNATION

The Career Executive Service Board, pursuant to CESB Resolution No. 549 dated August 10, 2004 reiterates the policy of the Civil Service Commission on courtesy resignation outlined in CSC Resolution No. 011782 s. 2001 stated herein as follows:

- "1. In its legal sense, resignation pertains to the act of giving up or the act of an employee by which he/she declines his/her office and renounces the further right to use it, and implies the conjunction of two requisites:
  - a. clear intent to relinquish or surrender one's position; and
  - b. concomitant act of relinquishment.
- "2. 'Courtesy resignation' cannot properly be interpreted as resignation in the legal sense for it is not necessarily a reflection of an employee's intention to surrender his/her position.
- "3. The determination of whether an act of resignation partakes the nature of 'courtesy resignation' shall always take into consideration the factual circumstances obtaining in each case, carefully ascertaining whether the act of resignation is willingly and voluntarily made or otherwise compelled by the submission to the will of the political authority and the appointing power.
- "4. The existence of force, coercion, duress, or undue influence shall give rise to the presumption that a 'courtesy resignation' has transpired.
- "5. An official order or directive requiring the tender of 'courtesy resignation' shall be null and void on its face, creating neither right nor obligation.

"6. Relief from the effects or consequences of 'courtesy resignation' may be had from the Civil Service Commission, through its regional offices, by the filing of an appeal within fifteen (15) days from the time of submission thereof.

"7. A finding that a resignation was, in fact, a 'courtesy resignation' shall entitle the affected employee to reinstatement in the service, without loss of seniority rights, and the payment of back salaries and other benefits accruing to him/her from the time of his/her 'courtesy resignation' to his/her actual reinstatement."

This Circular shall take effect immediately.



KARINA CONSTANTINO-DAVID  
Chairperson

September 17, 2004

Attested by:



MARY ANN Z. FERNANDEZ-MENDOZA, CESO II  
Executive Director