



M. C. No. 09 s. 1993

MEMORANDUM CIRCULAR

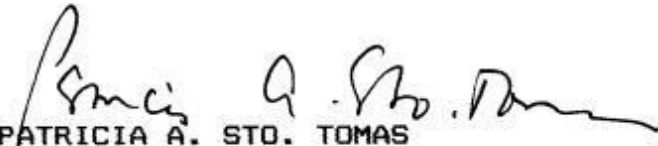
TO: ALL HEADS OF DEPARTMENT, BUREAUS, AGENCIES IN THE
NATIONAL AND LOCAL GOVERNMENTS, INCLUDING
GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS AND
STATE COLLEGES AND UNIVERSITIES

SUBJECT: CLASSIFICATION OF THIRD LEVEL POSITIONS

Pursuant to CSC Resolution No. 93-504 dated
2-16-93, the Civil Service Commission hereby adopts the
foregoing policy:

That positions classified by the Career Executive
Service Board as belonging to the CES, being executive and
managerial in nature, are also considered as policy
determining. Further, said positions are exempted from
publication requirement.

This Memorandum shall take effect immediately.


PATRICIA A. STO. TOMAS
Chairman

February 16, 1993

OLA/NLV/CP/DL/fbc02



**CLASSIFICATION OF THIRD LEVEL
POSITIONS AS POLICY DETERMINING**

X ----- X

RESOLUTION NO. 93-504

WHEREAS, the Civil Service Commission, as the central personnel agency of the Government, is mandated under the 1987 Constitution to adopt measures to promote morale, efficiency, integrity courtesy and responsiveness in the Civil Service;

WHEREAS, pursuant to Executive Order No. 292 otherwise known as the Administrative Code of 1987, the Commission shall prescribe, amend and enforce suitable rules and regulations for carrying into effect its functions;

WHEREAS, under Section 12 (9), Chapter III, Subtitle A, Title I, Book V of EO 292, the Commission is mandated to declare positions in the Civil Service as may properly be primarily confidential, highly technical or policy determining;

WHEREAS, a policy determining position is one charged with laying down of principal or fundamental guidelines or rules, such that of a head of department;

WHEREAS, the Supreme Court in the case of Pinero vs. Hechanova (18 SCRA 417), had ruled that the nature of the functions attached to a position ultimately determines whether an administrative position is primarily confidential, policy determining or highly technical;

WHEREAS, positions in the Career Executive Service includes the position of Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau Director, Regional Director, Asst. 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;

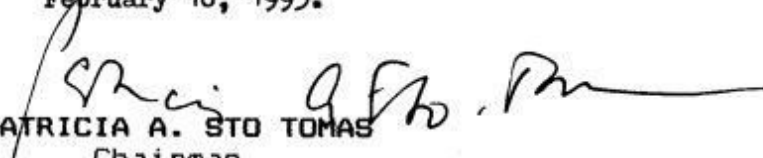
WHEREAS, the duties and responsibilities of the aforesaid positions involve managerial and executive functions calling for habitual exercise of discretion and independent judgment, indicating the power to direct general policy and formulate decisions thus, having active participation in the control, supervision and management of the affairs of their respective offices.

Classification of Third Level
Positions as Policy Determining
x-----x

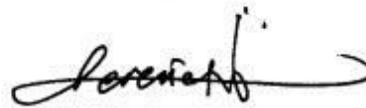
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NOW, THEREFORE, the Commission resolves to adopt, as it hereby adopts a policy declaration that positions classified by the CESB as belonging to the CES, being executive and managerial in nature are also considered as policy determining. Further, the said positions are exempted from publication requirement.

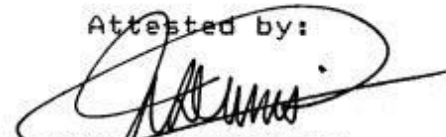
Quezon City, February 16, 1993.


PATRICIA A. STO TOMAS
Chairman


SAMILO N. BARLONGAY
Commissioner


RAMON P. ERENETA, JR.
Commissioner

Attested by:


JUANITO DEMETRIO
Board Secretary VI

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