



M. C. No. 18 s. 1992

**MEMORANDUM CIRCULAR**

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

SUBJECT : COURTESY RESIGNATION FOR CESO's

In order to ensure stability and continuity in the operations of government and in the interest of the service, the Civil Service Commission pursuant to its Resolution No. 92-646 dated May 7, 1992 hereby declares that:

- (1) An incumbent Career Executive Service Officer (CESO) with eligibility and appointment to a rank is considered a permanent employee of the government and is guaranteed security of tenure;
- (2) Career Executive Service Officers shall not be required to tender courtesy resignations to any new administration in the executive department or any agency of government. This is in pursuance to the doctrine laid down by the Supreme Court in the case of Ortiz vs. COMELEC, OR. No. 78957, June 28, 1988 which reads:

"Resignation is defined as the act of giving up or the act of an officer by which he declines his office and renounces the further right to use it. xxx Verily, a courtesy resignation cannot properly be interpreted as



resignation in the legal sense for it is not necessarily a reflection of a public officials' intention to surrender his position"; and

- (3) Career Executive Service Officers may only be separated from the service for cause and after due process or by voluntary resignation.

  
PATRICIA A. STO. TOMAS  
Chairman

May 7, 1992

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