

DE VENECIA, Jose C., Jr.

**Re: Conversion of Non-Career to
Career Positions**

X-----X

RESOLUTION No. 040310

Jose C. De Venecia, Jr., Speaker, House of Representatives, requests the conversion of the position of Director General, Congressional Planning and Budget Department, same agency, from non-career service to career service.

The said request reads, in part, as follows:

“This is to request for the conversion of the nature of appointment for the position of Director-General, Congressional Planning and Budget Department at the House of Representatives from its present co-terminous standing to career service status, for the following reasons:

“- Originally, the creation of said position was anchored on the need to focus on the current Speaker’s legislative agenda. Through the years, however, it has been noted that the position has been serving not only the needs of the Speaker but also of the Members of the House at large.

“- Said position is of equivalent class and rank to the Deputy Securities-General, which in an earlier ruling...the Civil Service Commission has declared as belonging to the career service.

“- In another ruling...the Commission has already converted all staff plantilla items under the position of the Director-General from non-career to career status.

“This request is in consonance with the provisions of the Constitution affording security of tenure to employees of government...

“We wish to assure the Commission that only incumbents who meet all the qualification requirements of the position, and who have been conferred Career Executive Service eligibility by the Civil Service Commission and/or Career Executive Service Board shall be qualified to enjoy the security of tenure that shall, henceforth, be accorded to the position.”

The Commission carefully reviewed and evaluated all the documents submitted particularly the duties and responsibilities appurtenant to the position of Director General, and finds nothing contrary or repugnant to the Civil Service Law and rules should the said position be converted from non-career service (co-terminous) to career service. Moreover, it is noted that the duties of the position of Director General which, among other things, involve the supervision of Congressional Planning and Budget Office of the House of Representatives which provides technical assistance to Congress in the formulation of national economic policies and of fiscal measures affecting government expenditures, revenues and debt, does not require close intimacy with the appointing authority. Furthermore, the Plantilla of Positions of the Office of the Director General shows that all positions attached to the said office are career service. Hence, it is only proper that the Director General position, the head of the said office, be converted to career service.

The conversion of the said position from non-career service to career service would all the more give

meaning to and strengthen the constitutional provision affording security of tenure to employees in government, which the Commission is mandated to enforce and protect.

The foregoing pronouncement, however, is subject to the guidelines found in **Civil Service Commission Memorandum Circular No. 19, series of 2001 (Guidelines for Conversion of Positions form Non-Career to Career)**, which provides:

“1. *Only positions are converted from non-career to career;*

“2. Incumbents of converted non-career positions can be appointed to said positions only if they are qualified and such fact should be specified in the CSC resolution itself; and

“3. *The ‘vested right’ principle should not be applied when positions are converted from non-career to career since it is contrary to the merit and fitness principle.*”

The Commission aptly explained the *rationale* of the above-mentioned **Memorandum Circular in the case of NAZARENO, Roberto P.,^[1]** as follows:

“The foregoing condition(s) is being imposed to maintain and uphold the law mandating that entrance to the career service shall be based on merit and fitness to be determined as far as practicable by competitive examination. For indeed, conversion of non-career, in this case (primarily confidential) coterminous positions, to career would result in the circumvention of the

merit and fitness principle requiring civil service eligibility for career service positions because non-career (coterminous) positions do not require civil service eligibility.”

WHEREFORE, the request of Speaker Jose C. De Venecia Jr., House of Representatives, for the conversion of the position of Director General, Congressional Planning and Budget Department, same agency, from non-career service to career service is hereby **GRANTED**.

Quezon City, March 24, 2004

(SGD.)

J. WALDEMAR V. VALMORES

Commissioner

(SGD.)

KARINA CONSTANTINO-DAVID

Chairman

VACANT

Commissioner

Attested by:

(SGD.)

REBECCA A. FERNANDEZ

Director IV

Commission Secretariat and Liaison Office

[1] Civil Service Commission Resolution No. 99-1535 dated July 12, 1999