



**Republic of the Philippines**  
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**MEMORANDUM**

**FOR** : All Undersecretaries  
All Assistant Secretaries  
All Bureau Directors  
All Service Directors  
Executive Directors (MBCO, RBCO, ELEPS)  
Heads of Attached Agencies (NAMRIA, NRDC, NWRB, LLDA)

**FROM** : The Undersecretary  
Policy, Planning and International Affairs

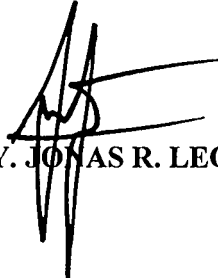
**SUBJECT** : **HIGHLIGHTS OF EXECUTIVE COMMITTEE MEETING NO. 2022-09 HELD ON JULY 4, 2022, 10:00 AM AT THE DENR-OSEC CONFERENCE ROOM**

**DATE** : JUL 11 2022

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We are furnishing herewith the Highlights of Executive Committee Meeting No. 2022-09 held on 4 July 2022, which tackled the Office of the President Memorandum Circular No. 1, s. 2022 signed by Executive Secretary Victor D. Rodriguez entitled "Declaring Vacant Certain Positions in the Departments, Offices, Agencies and Bureaus in the Executive Department and Fixing Rules Therefor to Ensure Continuous and Effective Delivery of Service," and the DENR's forward actions.

For information and/or appropriate action.

  
ATTY. JONAS R. LEONES



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**EXECUTIVE COMMITTEE MEETING NO. 2022-09**  
**HIGHLIGHTS OF THE MEETING**

04 July 2022, 10:00 AM, OSEC Conference Room, DENR Central Office Building  
Visayas Avenue, Diliman, Quezon City

The Executive Committee meeting commenced at 10:00 AM and was presided over by Usec. Ernesto D. Adobo, Jr., Officer-in-Charge, DENR.

AGENDA	AGREEMENTS/INSTRUCTIONS/UPDATES	PERSON/OFFICE RESPONSIBLE	TIMELINE
<b>1. Office of the President Memorandum Circular No. 1, s. 2022 signed by ES Victor D. Rodriguez</b>	<ul style="list-style-type: none"><li>• Asec. Hiro V. Masuda, Assistant Secretary for Human Resources, Strategic Communication and Sectoral Initiatives presented the similar issuances of the previous administrations, i.e., MCs issued in 2010 and 2016 and their salient features. Thereafter, he discussed the salient features of MC No. 1, s. 2022, as follows:<ol style="list-style-type: none"><li>1. Declaring vacant certain positions in the departments, offices, agencies and bureaus in the Executive Department; and<ul style="list-style-type: none"><li>- deemed vacant as of June 30, 2022</li><li>- hold-over capacity until July 31, 2022</li></ul></li><li>2. Fixing rules therefor to ensure continuous and effective delivery of service<ul style="list-style-type: none"><li>- Orderly and complete turnover of records, documents, books, equipment, and other properties</li><li>- Next-in-rank and most senior official to serve as OIC</li></ul></li></ol></li></ul>	HRDS	ASAP

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	<ul style="list-style-type: none"> <li>• Asec. Masuda enumerated the categories of officials/employees affected by the issuance, i.e., 1) Presidential appointees whose appointees are classified as coterminous (and those appointed to coterminous with the official being served position under their respective offices), 2) Appointees to positions in excess of plantilla, 3) Non-CESOs in CES positions, and 4) Contractual and/or casual employees. He remarked that compared to similar issuances from the past administrations, the current MC is clearer.</li> <li>• He proceeded to explain the definitions of the four categories indicated above and cited the number of DENR officials and employees affected: category 2 re Appointees to positions in excess of the plantilla includes two (2) Undersecretaries, two (2) Assistant Secretaries and the Officer-in-Charge of DENR; category 3 re Non-CESOs in CES positions includes two (2) Assistant Secretaries, six (6) Service Directors, two (2) Bureau Directors, five (5) REDS, sixteen (16) ARDs, one (1) Assistant Bureau Director, sixteen (16) EMB Regional Directors and fourteen (14) MGB Regional Directors or a total of sixty-two (62) officials; category 4 re Contractual and/or casual employees includes two hundred eighteen (218) casual employees, twenty-nine (29) contractual PS employees, and fifteen thousand five hundred nineteen (15,519) contract of service (COS)/job order (JO) personnel (no employee-employer relationship; not employees).</li> <li>• Thereafter, Asec. Masuda presented the forward actions such as 1) compliance with MC No. 1, s. 2022, 2) request for reconsideration from OP, upon recommendation of DENR ACE, 3) fast-tracking of applications for CES Rank appointment/adjustment, 4) endorsement for reappointment to OP, and 5) reappointment of casual and contractual employees. He also tackled the proposed</li> </ul>		

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	<p>criteria for identification of next-in-rank to assume post after July 31, 2022, if not reappointed and in the absence of a replacement.</p> <ul style="list-style-type: none"> <li>Asec. Masuda shared that presently, one of the problems concerning the application with the Career Executive Service (CES) Board are the internal issues at the CSC: the CSC head, Chairperson Karlo Alexei B. Nograles has only been reappointed, and the two ex-officio officials of the CES Board were designations from the past administration. The fast-tracking of applications for CES rank may also be hindered due to the size of the bureaucracy. Thus, it is imperative that a request is made to expedite the processing of these applications. He also mentioned the issuance of the MC No 2, s. 2022 and highlighted the need for a complete staff work (CSW) for those who are for reappointment. As for contractual and casual personnel, he requested guidance from the management, although the contracts of these personnel have been renewed two (2) months prior to expiration.</li> </ul>		
	<ul style="list-style-type: none"> <li>Usec. Adobo noted that the similar MCs issued by previous administrations were clarified in subsequent issuances. However, the current MC offers no such clarification, and that a term is even provided which is July 31, 2022.</li> </ul>		
	<ul style="list-style-type: none"> <li>Usec. Jonas R. Leones noted the catch-all provision of MC 1, s. 2022 on how to address the vacancies, to wit: "The OIC shall perform the duties and discharge the responsibilities of the office until 31 July 2022, or until a replacement has been appointed or designated, whichever comes first." He opined that without such statement, interpretation may be made on the acceptance or resignation. In terms of legality, he is of the view that it was crafted to answer all queries. Hence, he proposed that the direction of the DENR should be to request for reconsideration or appeal. Usec. Adobo agreed with the suggestion. With regard to contractual</li> </ul>		

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	<p>employees, Usec. Leones noted that while there is usually no employer-employee relationship, such is not the situation in the Department. These personnel are treated as employees and management has control over them. He mentioned the existence of a jurisprudence on the matter. Usec. Juan Miguel T. Cuna added that contractual employees do not only perform clerical work but other functions as well.</p>		
	<ul style="list-style-type: none"> <li>• Asec. Masuda informed about the CES Board Circular No. 1 dated August 23, 2016 regarding the Guidelines on MC No. 04, 1C and 1F Courtesy Resignations of Presidential Appointees. He was not able to obtain a copy of a similar issuance during the term of former President Benigno Aquino III. Usec. Cuna shared that he has a copy of such issuance during President Aquino's term, signed by then ES Paquito Ochoa. The gist is that the decision was given to the agency official. Usec. Adobo remarked that the similar issuance of President Aquino is more lenient.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Usec. Adobo noted the difference from the previous administrations regarding the status of CESO ranks such as the addition of MNSA, PACES, and on-stream (to start eligibility process).</li> </ul>		
	<ul style="list-style-type: none"> <li>• Usec. Leones cautioned that the Execom's endorsement of the request would appear that the Department is questioning the MC. Usec. Adobo remarked that a middle ground/position may be taken, with the DENR ACE endorsing the request for reconsideration on behalf of the organization.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Asec. Masuda informed about his request for the CES Board's clarification of their FAQs and the latter's revision of the same. He added that the CES Board was also not consulted regarding the issuance of the MC. He asked the head of the Records to prepare the copy of the received MC.</li> </ul>		

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	<ul style="list-style-type: none"> <li>• With regard to the status of contractual employees, Asec. Masuda informed that contractual PS employees are renewed yearly. On the other hand, the COS and JO personnel were renewed ahead of the expiration of their contracts, based on the memorandum issued by Usec. Adobo. However, some Bureaus were not able to renew their contractual employees ahead of expiration of contract.</li> </ul>		
	<ul style="list-style-type: none"> <li>• On the matter of expiration of contracts by July 31, 2022, Usec. Joselin Marcus E. Fragada commented that contracts that were renewed before June and extended until December 2022 may not be covered. However, those that expired by the end of June 2022 may only be extended until July 31, 2022 in accordance with the MC.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Usec. Adobo posed a different opinion on the matter. While the contracts have been processed and renewed two (2) months ahead of expiration, the effectivity period remains the same. He maintained that the action of the Department with regard to early renewal did not preempt the MC. Asec. Masuda suggested that in relation to such action, the Department may again renew the contracts before July 31, 2022.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Dir. Norlito A. Eneran noted that plain language was used in the MC. He stressed the need to look into the wisdom of the insertion of such provision in the issuance. In similar issuances of the previous administrations, the status of contractual employees was not tackled. In the case of MC 1, s. 2022, alternative options were provided. He opined that if the employee is renewed prior to the expiration of his/her contract, or if there is reissuance of contract by the head of agency, this is not covered by the termination up to the end of July 2022. If the contract has expired by June 30, 2022, there is a grace period of up to July 31, 2022 even if not covered by a contract. He also touched on the issue of whether the MC will be the operative document to justify payment for services even if there</li> </ul>		

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	<p>is no contract yet. He stressed the necessity of clarifying on how to implement such provision. Usec. Adobo remarked that he is willing to sign the basis for payment of services rendered by contractual employees.</p>		
	<ul style="list-style-type: none"> <li>• Dir. Tirso P. Parian informed that many of the FMB personnel are COS. The expiration of their contracts is until December 2022. It is his position that such contracts are valid.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Asec. Arleigh G. Adorable focused on the MC's implication to the agency's operations. He agreed with the point raised by Dir. Eneran to look into the wisdom of the issuance.</li> </ul>		
	<ul style="list-style-type: none"> <li>• On the definition of terms as earlier presented, Dir. Eneran commented that "contractual employees" is not clearly defined. These may refer to contractual PS employees. For COS and JO personnel, there is no employer-employee relationship legally, but there is legal support such as the jurisprudence to say that there is actually an employer-employee relationship. For JOs, they may still be renewed if not yet done.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Usec. Analiza Rebueta-Teh also noted the stricter intention of MC 1, s. 2022. She opined that it may not be advisable to have a blanket endorsement or appeal to OP. She suggested incorporating an analysis and evaluation of the status of affected officials, to be in line with the thrust of the present administration to retain those who are competent and possess integrity. The same evaluation may also be done for COS and JOs. There is a need to look into the number of contractual employees/consultants and unfilled/vacant plantilla positions. The position of the DENR should not be on plain justification but about showing good governance at the onset. According to her, plain justification will not speak well of the action of the Department. She added that during the term of former President Aquino, the Department was not able to use the similar issuance to compel efficiency in the agency. She proposed the</li> </ul>		

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	<p>initial submission of the evaluation and analysis of the status of affected officials and employees based on the classification of MC 1. She suggested indicating therein the number of years in service to justify that they have acquired the necessary competence. The submission may also provide an evaluation/recommendation of the officials and employees who are worthy to be retained. For the month of July 2022, the Department may conduct an evaluation to ensure submission of a more viable staffing or list of officials that will be consistent with the good governance thrust of the present administration. She stressed that this is the time to cleanse the ranks. She is of the belief that such is the intention of the MC, hence, the management should act accordingly.</p>		
	<ul style="list-style-type: none"> <li>• Usec. Cuna expressed agreement with the points raised by Usec. Teh. He suggested reminding the officials to process their CES eligibility to avoid these circumstances. He also mentioned about the policy that appointed officials should complete the process of their eligibility within the year, although this may not be possible at times.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Usec. Leones remarked that it may be good to revisit the structure, but the submission of document/request to OP requires quick action. For the term of contractual employees, he suggested checking if the July 31, 2022 period may only pertain to renewal and termination, unless done ahead.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Usec. Adobo remarked that the Department will comply with the CSW requirement; the suggestion of Usec. Teh is also intended to be done. According to him, the more than 15,000 COS and JO personnel is too much. The authority to fill-up vacancies is based on unfilled positions. He is of the idea that the vacancies referred to in MC 1 are plantilla positions. He was also under the impression that this refers to the approved Rationalization Plan (Rat Plan). He mentioned that the DENR Rat Plan was supposed to be adopted by</li> </ul>		



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	<p>the Department through a DENR Administrative Order (DAO) but this did not materialize. There is a school of thought that issuances by authorities beyond the approval of the DBM are considered amendments to the Rat Plan. Even if the DAO was not issued, a Notice of Organization, Staffing and Compensation Action (NOSCA) was provided nonetheless. Any amendment of the Rat Plan does not affect the NOSCA issued by the DBM. This remains the DENR's basis for filling up vacancies.</p>		
	<ul style="list-style-type: none"> <li>On the renewal of the COS personnel, Usec. Adobo stated that a notice will be sent out that their contracts are only effective until July 31, 2022, especially so that the number of contractual employees has bloated. It would prove difficult to justify the filling-up of vacancies beyond 4,000. Asec. Masuda replied that during the exit conference with the Commission on Audit (COA), it was established that these personnel are project-based. Usec. Adobo commented that this may be allowed as long as justifiable and with basis.</li> </ul>		
	<ul style="list-style-type: none"> <li>Usec. Fragada brought up the issue about how functional the CES Board is in terms of facilitating the applications for eligibility of officials. The processing of the officials' eligibility will entail various stages/procedures such as endorsement by the head of agency, CSC and OP. At times, they will encounter a standstill or delays in the processing of their applications. As such, there is a need to classify these and that the CES Board should be able to accommodate all these applications. He is also of the belief that this may be the best period to filter the officials of the Department. Officials belonging under the new CESO ranks should undergo the same process as the previous CESO ranks.</li> </ul>		
	<ul style="list-style-type: none"> <li>Asec. Masuda noted that the CES Board may not be able to handle all the applications. He proceeded to explain the steps involved in the processing of applications- for the PACES, the process is longer</li> </ul>		

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	<p>despite the lack of a written exam. Issuance of a CES Board resolution takes two months. There is also a need to take the Saldiwa and Gabay courses in two to four months. Thereafter, the official will take up the LMCA, and will again wait for two months. In the LMCA, only 1-2 applicants usually pass. The minimum intervention in the executive development plan is six months. Third level officials under PACES have a longer processing period.</p>		
	<ul style="list-style-type: none"> <li>• With regard to the July 31, 2022 period under the MC, Usec. Leones remarked on the need to issue termination letters to contractual personnel if all the contracts are only effective until said period and in case no reconsideration is done. Usec. Adobo added that the communications should be crafted carefully, using positive words, e.g., put on hold subject to evaluation or similar phrases. The copy of the MC should also be attached. Usec. Leones posed a question on what advice to be given to the field offices given the situation.</li> </ul>		
	<ul style="list-style-type: none"> <li>• In terms of portfolios of the officials, Usec. Adobo stated that the interpretation is that there will be no changes yet based on initial discussions. However, the case of Usec. Fragada and Usec. Cuna will need guidance. Also, interpreting the MC to the letter will leave a vacuum in the line bureaus. He asked for suggestions from other members of the Execom that will help in the crafting of the document to be submitted to OP.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Asec. Masuda clarified that those in the third (3<sup>rd</sup>) level executive positions are not affected as their items are not Presidential appointees.</li> </ul>		
	<ul style="list-style-type: none"> <li>• Dir. Maria Lourdes G. Ferrer shared that the contracts of JO personnel were already renewed prior to June 30, 2022 or the issuance of the MC and most of these are project-based. Usec. Adobo remarked that there have been initial discussions on the matter and it was agreed that the intent of the OP will be followed. There will also be evaluation of the affected officials and</li> </ul>	HRDS	July 4, 2022

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	<p>employees. The Department will be coming out with guidelines after the crafting of the draft document, which will be sent to the officials for comment. This will be done within the day.</p>		
	<ul style="list-style-type: none"> <li>On the query of Usec. Leones whether there is a mechanism or if the management has the authority to identify the Department's most senior official, Usec. Adobo replied that there are existing guidelines on the matter. For appointments, this may be followed due to lack of material time. He reiterated that the draft document will be finalized after the Execom meeting.</li> </ul>		
	<ul style="list-style-type: none"> <li>For the earlier renewed contracts, Dir. Eneran inquired whether it is the Department's directive to terminate these or if the contracts will be honored. He is of the belief that the MC does not provide for the cancellation or termination of contracts, and in fact, the said issuance honors such documents. The focus should be on contracts not executed after the issuance of the MC. Usec. Adobo replied that such a position is also being espoused. The proposal is to use the term "suspend" until further review, instead of "terminate." It will be incumbent upon the HRDS to explain what has transpired which necessitated such action. Since a huge number will be affected, there is a need to brief them on the matter.</li> </ul>		
	<ul style="list-style-type: none"> <li>Asec. Masuda stated that he is agreeable to the proposal if based on the premise of the issuance of the MC. He pointed out that the line "unless otherwise earlier terminated or renewed..." in the MC justifies the renewal since the Department has specific needs and these are based on COA rules and regulations.</li> </ul>		
	<ul style="list-style-type: none"> <li>Usec. Leones noted that contractual personnel whose contracts were renewed prior to the issuance of the MC remain in the same situation as those who were not renewed prior to the MC. Hence, he suggested renewing the contracts of these personnel. Usec. Adobo informed that there are still contracts for signing at his office and the personnel continue to work despite the absence of contract.</li> </ul>		

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	<ul style="list-style-type: none"> <li>On the query of Usec. Adobo whether those whose contracts for July-December 2022 have already been signed are not covered by the MC, Dir. Eneran replied that their renewal is consistent with the guidelines of the HRDS that preparation of renewal of contracts should be undertaken at least two (2) months prior to the expiration of contract. Usec. Adobo argued that said contracts are covered by the previous administration. Dir. Eneran responded that the OP honors the already executed contracts. Had it been the OP's intent to terminate these contractual personnel, the matter should have been expressly stated in the MC.</li> </ul>		
	<ul style="list-style-type: none"> <li>Usec. Adobo recognized the interpretation of Dir. Eneran. He stated however, that there are guidelines in allowing contractual personnel, i.e., if during evaluation, the HRDS can come up with a definitive position that all the 15,000 plus contractual personnel fall within what is allowed for hiring. He expressed concern that the number may be beyond what is allowable. According to him, he would go for the interpretation that since the contracts have been signed and executed, these should be honored. However, he goes back to the entirety of the MC with regard to the declaration of vacancy. It is his belief that such is the safer position.</li> </ul>		
	<ul style="list-style-type: none"> <li>Usec. Fragada reminded the REDs present to prepare already the list of their affected COS and casual personnel.</li> </ul>		
	<ul style="list-style-type: none"> <li>Usec. Adobo asked Usec. Teh to conduct a meeting of the Transition Team. Usec. Teh suggested holding the meeting on July 5, 2022 at 10:00 AM.</li> </ul>	DENR Transition Team	July 5, 2022, 10:00 AM
	<ul style="list-style-type: none"> <li>Usec. Leones informed that the transition report has been finalized and this includes the HR situation of the Department. He also informed that the DENR ACE will be meeting in the afternoon to support the direction of the Execom, and possibly make an appeal to re-define Non-CESOs.</li> </ul>	DENR ACE	July 4, 2022

There having no other matters to discuss, the meeting was adjourned at 11:46 AM.