



Republic of the Philippines
Department of Education
REGION X- NORTHERN MINDANAO
DIVISION OF MALAYBALAY CITY

2022-52689
DM-2022-05-318
DEPED MALAYBALAY CITY DIVISION
RELEASED
DATE: MAY 31 Time: 1:29
By: [Signature] 1/2022

DIVISION MEMORANDUM

NO. 318 s. 2022

To: Assistant Schools Division Superintendent
Public School District Supervisors
Public Elementary and Secondary School Heads
Teaching and Non-teaching Personnel
Division Office Personnel
All Others Concerned

From: **VICTORIA V. GAZO, PhD., CESO V**
Schools Division Superintendent *p*

Subject: **Clarification on the Authority of Certain Officers to Administer Oaths (SALN, PDS and other sworn documents)**

Date: May 31, 2022

The Office of the Assistant Secretary for Legal Affairs issued a Memorandum to clarify the rules and guidelines on the authority of certain government officials to administer oaths.

Pursuant to Section 41 of Executive Order No. 292, otherwise known as the Administrative Code of 1987, as amended by R.A No. 6733 and further amended by R.A No. 10755, it provides that:

"The following officers have general authority to administer oaths: President; Vice President; Members and Secretaries of both Houses of Congress; Members of the Judiciary; Secretaries of Departments; provincial governors and lieutenant-governors; city mayors; municipal mayors; bureau directors; regional directors; clerks of courts; registrars of deeds; other civilian officers in the public service of the government of the Philippines whose appointments are vested in the President and are subject to confirmation by the Commission on Appointments; all other constitutional officers; and notaries public.

The punong barangay is authorized to administer the oath of office of any government official including the President of the Philippines."¹

Apropos to the foregoing, Division Legal Officer, Public Schools District Supervisors, Human Resource Management Officers, and Administrative Officers, not being among the offices enumerated, are not allowed to administer oaths in their official capacity.

¹ Section 1. Republic Act No. 10755



All personnel is hereby informed of the following authorized persons to administer oaths for their Statement of Assets, Liabilities and Net Worth (SALN), Personal Data Sheets, and other sworn documents, to wit:

- i. Regional Directors,
- ii. Notaries Public / Members of the Judiciary,
- iii. Provincial Governor, and
- iv. City / Municipal Mayors
- v. Punong Barangay (only for oath of office)

All Division Memoranda and other related issuance, rules and regulations, and provisions that are inconsistent with this Memorandum are hereby repealed, rescinded, or modified accordingly.

Immediate and widest dissemination of this memorandum is directed.

TO BE POSTED ON THE WEBSITE

Enclosure:

Regional Memorandum No. 307, s. 2022





Republic of the Philippines
Department of Education
REGION X - NORTHERN MINDANAO

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May 17, 2022

REGIONAL MEMORANDUM
No. 307, s. 2022

**CLARIFICATION ON THE AUTHORITY OF CERTAIN OFFICERS TO
ADMINISTER OATHS**

To: Schools Division Superintendents
Assistant Schools Division Superintendents
All Others Concerned

1. With a view to clarifying which officers in the Department of Education have authority to administer oaths, attached is **DepEd Memorandum** dated April 8, 2022 from the Office of the Assistant Secretary for Legal Affairs, titled **Clarification on the Authority of Certain Officers to Administer Oaths**.
2. Please see the attachment for the complete details.
3. This Office directs the immediate compliance of this Memorandum.


DR. ARTURO B. BAYOCOT, CESO III
Regional Director

ENCL: As stated

To be indicated in the Perpetual Index
under the following subjects:

ADMINISTER OATH OFFICERS



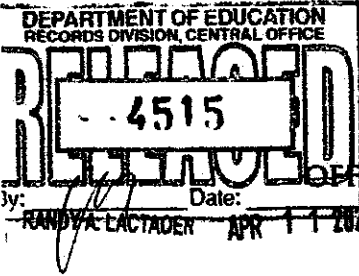
* DepEd Regional Office X, Zone 1, Upper Balulang, Cagayan de Oro City
(088) 856-3932 | (088) 881-3137 | (088) 881-3031
Department of Education Region 10



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Republic of the Philippines
Department of Education

OFFICE OF THE ASSISTANT SECRETARY FOR LEGAL AFFAIRS

22-75750

by: RANDY A. LACTADER Date: APR 11 2022

MEMORANDUM

MAY 16 2022

TO : REGIONAL DIRECTORS
 SCHOOLS DIVISION SUPERINTENDENTS

FROM : ATTY. ALBERTO T. ESCOBARTE, CESO II
 Assistant Secretary

SUBJECT : Clarification on the Authority of Certain Officers to Administer Oaths

DATE : April 8, 2022

The Office of the Assistant Secretary for Legal Affairs issues this Memorandum to clarify the rules and guidelines on the authority of certain government officials to administer oaths.

Section 41 of Executive Order No. 292, otherwise known as the Administrative Code of 1987, as amended by R.A. 6733 and as further amended by R.A. 10755 provides that:

“[t]he following officers have general authority to administer oaths: President; Vice President; Members and Secretaries of both Houses of Congress; Members of the Judiciary; **Secretaries of Departments**; provincial governors and lieutenant-governors; city mayors; municipal mayors; bureau directors; **regional directors**; clerks of courts; registrars of deeds; **other civilian officers in the public service of the government of the Philippines whose appointments are vested in the President and are subject to confirmation by the Commission on Appointments**; all other constitutional officers; and notaries public.

The punong barangay is authorized to administer the oath of office of any government official including the President of the Philippines.” (Emphasis supplied.)¹

As can be gleaned from above, the authority to administer oath is limited to the officers mentioned therein. Following the legal maxim *expressio unius est exclusio alterius*, meaning that “where a statute, by its terms, is expressly limited to certain matters, it may not, by interpretation or construction, be extended to other matters,”² Schools Division Superintendents are not allowed to administer oaths in their official capacity for while their appointments are vested in the President, the same are not subject to confirmation by the Commission on Appointments. Regional Attorneys, Division Attorneys, Human Resource Management Officers, and Administrative Officers, not being among the officers

¹ Section 41, Executive Order No. 292, otherwise known as the Administrative Code of 1987.

² De La Salle Araneta University v. Bernardo, 805 Phil. 580 (2017).

enumerated, are likewise not allowed to administer oaths in their official capacity. In no case also should the Regional Directors delegate their authority to administer oath, like in Statements of Assets, Liabilities, and Net Worth (SALN), etc., to any official or staff in the Regional Offices.

For your information and guidance.

RECEIVED
MAR 11 2022
TIME: 11:02
of