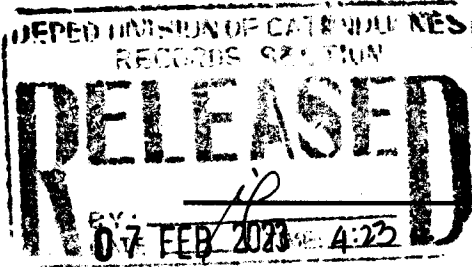





Republic of the Philippines
Department of Education
Region V – Bicol
SCHOOLS DIVISION OFFICE OF CATANDUANES



MEMORANDUM
OSDS-ADMIN-UM-2-03-23

TO : Asst. Schools Division Superintendent
Division Chiefs- CID and SGOD
Education Program Supervisors
Public Schools District Supervisors
Elementary and Secondary School Heads
Section Chiefs
All other Concerned

FROM:  SUSAN S. COLLANO
Schools Division Superintendent

SUBJECT: **SUBMISSION OF STATEMENT OF ASSETS, LIABILITIES AND NET WORTH (SALN) FOR CY 2022**

DATE: February 3, 2023

1. Pursuant to Section 8 of Republic Act No. 6713, Code of Conduct and Ethical Standards for Public Officials and Employees, and Section 7 of Republic Act No. 3019, Anti-Graft and Corrupt Practices Act, **all public officials and employees are mandated to file their Statement of Assets, Liabilities and Net Worth (SALN) every end of each Calendar Year.**
2. All DepEd Officials and Employees are required to submit their SALN as of December 31, 2022 in four (4) original copies to the office of Administrative Officer V on or before **March 15, 2023.**
3. Section 42 of Executive Order No. 292, otherwise known as the Administrative Code of 1987, as amended by R.A. No. 6733, R.A. No. 9406 and R.A. 10755 provides that:

The following officers have general authority to administer oaths: President; Vice-President, Members and Secretaries of both Houses of the Congress; Members of the Judiciary; Secretaries of Departments;



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Provincial Governors and Lieutenant-governors; City Mayors; Municipal Mayors, Bureau of Directors, Regional Directors, Clerk 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; PAO Lawyers in connection with the performance of duty; and notaries public.

The Punong Barangay is authorized to administer the Oath of Office of any government official including the President of the Philippines.

4. School Heads, AO IV, AO II, Registrar or ADAS are advised to put their initial below the name of the Person Administering Oath to testify that they check the correct entries in the SALN Form.
5. Big schools should submit in four (4) folders (Personal File, School File, 201 file and Ombudsman file) while small schools may submit 4 (four) copies in one (1) folder only.
6. Failure of an official or employee to submit his/her duly accomplished SALN is punishable under Rule 10, Section 50, Item D. Paragraph 8 of the 2017 Rules on Administrative Cases in the Civil Service.
7. For information, guidance and compliance.

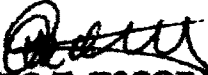




Republic of the Philippines
Department of Education
OFFICE OF THE ASSISTANT SECRETARY FOR LEGAL AFFAIRS

MEMORANDUM

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.