



Republic of the Philippines
Department of Education
REGION VII - CENTRAL VISAYAS
SCHOOLS DIVISION OF NEGROS ORIENTAL

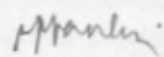
**Office of the Schools Division
Superintendent**

DIVISION MEMORANDUM
NO. 311, s. 2022

**DISSEMINATION OF MEMORANDUM FROM THE OFFICE OF THE
ASSISTANT SECRETARY FOR LEGAL AFFAIRS TITLED,
"CLARIFICATION ON THE AUTHORITY OF CERTAIN OFFICERS
TO ADMINISTER OATHS"**

**To : Assistant Schools Division Superintendent/s
Chiefs, CID and SGOD
Education Program Supervisors
Public Schools District Supervisors
Public and Private Elementary and Secondary School Heads
Teaching and Non-Teacher Personnel
All Others Concerned**

1. Attached, please find a copy of Memorandum from **ATTY. ALBERTO ESCOBARTE**, CESO I, Assistant Secretary, Department of Education.
2. In this connection, all personnel whose **SALN** was administered by the Schools Division Superintendent are hereby advised to have them administered by the appropriate Administering Officer, as enumerated on the attached Memorandum from the Office of the Assistant Secretary of Legal Affairs.
2. For details, please refer to the attached Memorandum.
3. Immediate and wide dissemination of this Memorandum is hereby enjoined.


SENEN PRISCILLO P. PAULIN, CESO V
Schools Division Superintendent

SPP/OSDS/SPP/bing
11/April/2022



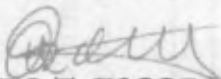
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Republic of the Philippines
Department of Education
OFFICE OF THE ASSISTANT SECRETARY FOR LEGAL AFFAIRS

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.

FOR THE MONTH OF SEPTEMBER 2014
ACCOMPLISHMENT REPORT

Submitted by:
ROSELVA R. ABIERA
EPS - 1



Division Office - Marikina
Department of Education
Republic of the Philippines



ROSELVA R. ABIERA, EPS - 1
Regional Director

Dr. 2/1/14

