



Republic of the Philippines
Department of Education
REGION I



REGIONAL MEMORANDUM

No. 549, s. 2023

JUN 16 2023

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

To: Schools Division Superintendents

1. Pursuant to the Unnumbered Memorandum issued by the Office of the Assistant Secretary for Legal Affairs dated 8 April 2022, this Office reiterates the clarification on the rules and guidelines of certain government officials to administer oaths, to wit:

“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 and 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 of Appointments**; all other constitutional officers; and notaries public.*

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

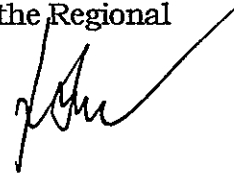
As can be gleaned from above, the authority to administer oath is limited to the officers mentioned therein. Following

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



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, are not among the officers enumerated, 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.”

2. For information and strict compliance.



TOLENTINO G. AQUINO
Director IV

Encl.: None
Reference: None
To be indicated in the Perpetual Index
under the following subject:

Authority
Officials

ORD-LU/gsl/RM_AuthorityToAdministerOath
June 9, 2023



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



Republic of the Philippines
Department of Education
REGION I



Office of the Regional Director

MAY 11 2022

REGIONAL MEMORANDUM
No. 403, s. 2022

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

To: Schools Division Superintendents

1. The Office of the Assistant Secretary for Legal Affairs issued a Memorandum dated April 8, 2022, relative to the clarification on the rules and guidelines of certain government officials to administer oaths. This clarification is based on the provision found in Section 41 of Executive Order No. 292 or the Administrative Code of 1987 as amended by R.A 6733 and as further amended by R.A 10755. A copy of the said memorandum is hereto attached for your information.

2. Please do take note on the prohibitions provided under the law and as clarified through the attached memorandum. For queries, you may contact this Office's Legal Unit at (072) 682-2324 local no. 107 or through email address at lu.region1@deped.gov.ph.

3. For information and strict compliance.

TOLENTINO G. AQUINO
Director IV

Reference: Memorandum dated April 8, 2022
To be indicated in the Perpetual Index
under the following subject:

Administration Oath	Authority Officers
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ORD-LU/RMW/rja/RMLU2022-00013
May 10, 2022



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