



Republic of the Philippines
Department of Education
 REGION VIII - EASTERN VISAYAS

May 17, 2022

REGIONAL MEMORANDUM

No. **463**, s. 2022

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

To: Schools Division Superintendents
 All Others Concerned

1. Attached is Memorandum titled "Clarification on The Authority of Certain Officers to Administer Oaths" from the Office of the Assistant Secretary for Legal Affairs.
2. Stated in the Memorandum, among others, are the clarification of the rules and guidelines on the authority of certain government officials appointed by the President but not subject to confirmation by the Commission on Appointments.
3. Immediate dissemination of and compliance with this memorandum are desired.


EVELYN R. FETALVERO, CESO IV
 Regional Director 

Enclosure: As indicated

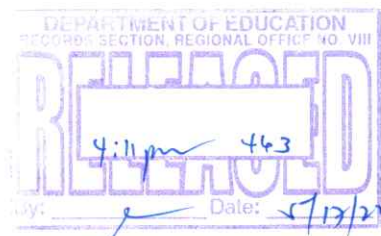
References: None

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

ADMINISTER OATHS

AUTHORITY

ORD-LU-MJSC





VIII

DEPARTMENT OF EDUCATION
RECORDS DIVISION, CENTRAL OFFICE

RELEASED

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By: RANDY A. LACTAOEN Date: APR 11 2022

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

OFFICE OF THE DIRECTOR IV

Date and Time Received	Signature
Date and Time Released	Signature

MEMORANDUM

TO : REGIONAL DIRECTORS
SCHOOLS DIVISION SUPERINTENDENTS

FROM : Alberto T. Escobarte
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.

