



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. 107, s. 2023

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

TO: OIC – Asst. Schools Division Superintendent  
Chief Education Supervisors  
Education Program Supervisors/Coordinators  
Public Schools District Supervisors/District-In-Charge  
Public Elem./Secondary Schools Administrators  
Teaching/Non-Teaching Personnel  
All Others Concerned

1. For the information and guidance of all concerned, enclosed is the copy of DepEd Memorandum dated April 8, 2022 titled “Clarification on the Authority of Certain Officers to Administer Oaths” from the Office of the Assistant Secretary for Legal Affairs.
2. In relation to this, the Schools Division Superintendent shall no longer allowed to sign the Statement of Assets, Liabilities and Net Worth (SALN) and other documents that should be signed by administering oath officer. It should be done before a Notary Public, Municipal/City Mayor, Barangay Chairman, or Officers Authorized to Administer Oath.
3. For wide and immediate dissemination.

By Authority of the Schools Division Superintendent:

**MARCELO K. PALISPIS, EdD, JD**  
OIC-Office of the Asst. Schools Division Superintendent  
Office-In-Charge

2/15/23

Incl: As stated.  
SPP/NLR-MKP-JMA/AdS/LBY/jcadiante  
February 14, 2023



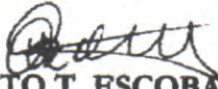
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Republic of the Philippines  
**Department of Education**  
OFFICE OF THE ASSISTANT SECRETARY FOR LEGAL AFFAIRS

**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.)<sup>1</sup>

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,"<sup>2</sup> 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

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

<sup>2</sup> 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.