



Republic of the Philippines  
**Department of Education**  
Region III  
**SCHOOLS DIVISION OF BULACAN**

May 17, 2022

Division Memorandum  
No. 162s. 2022

**AUTHORITY OF THE PUNONG BARANGAY TO ADMINISTER OATH OF THE OFFICE**

To : Assistant Schools Division Superintendents  
SGOD and CID Chiefs  
Elementary, JHS and SHS Principals/ OICs  
Division Personnel Unit  
All Others Concerned

1. This is relative to the attached Memorandum issued by the Office of the Assistant Secretary for Legal Affairs of the Department of Education with the subject Clarification on the Authority of Certain Officers to Administer Oath in connection with Section 41 of Executive Order No. 292 or the Administrative Code of 1987 and its amendments. The said memorandum states the authority to administer oath of office of any government officials/ employees is leaned on officers mentioned therein.
2. In this regard, please be informed that the Oath of Office ( Panunumpa sa Tungkulin), as a requirement in the processing of appointments of all the teaching and non- teaching personnel, shall be administered by the Punong Barangay of the locality of the appointee.
3. For information, dissemination and compliance.

  
**ZENIA G. MOSTOLES, EdD., CESO V**  
Schools Division Superintendent

HR/vom  
May 17, 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.)<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.