

Republika ng Filipinas  
(Republic of the Philippines)  
KAGAWARAN NG EDUKASYON, KULTURA AT ISPORTS  
(DEPARTMENT OF EDUCATION, CULTURE AND SPORTS)  
Manila

October 21, 1987

DECS ORDER  
No. 106, s. 1987

GUIDELINES ON THE SUPERVISION OF DECS LEGAL DIVISION  
AND REGIONAL LEGAL OFFICERS

To: Undersecretaries  
Assistant Secretaries  
Bureau Directors  
Regional Directors  
Cultural Agency Directors  
Chief of Service and Heads of Units/Centers  
Chiefs of Divisions  
Presidents, State Colleges and Universities  
Heads of Private Schools, Colleges and Universities  
Vocational School Superintendents/Administrators

1. Pursuant to DECS Order No. 103, s. 1987, the following guidelines as regards the exercise of supervision/authority on the legal division and legal officers are hereby promulgated:

- a. Statement of Objectives: It is the perceived objective of the government to improve and strengthen the legal arm in all its departments to provide adequate and competent legal services and to improve the quality of recruitment of its legal personnel through appropriate selection procedures and competitive compensation schemes.
- b. Coverage of Supervision: All personnel of the DECS Legal Division as regards all administrative and technical aspects related to their positions and functions are hereby placed under the administrative supervision, and all legal officers assigned in cultural agencies, bureaus, or regional offices and those performing functions which are legal in nature shall be under the technical supervision, of the Undersecretary for Legal and Legislative Affairs. Provided, that all regional directors shall continue to exercise administrative supervision over their respective legal officers and personnel.
- c. Span of Supervision: Supervision shall mean the authority of an officer to:
  - (1) oversee that the supervised officials and personnel perform their duties and takes such

action or steps necessary to ensure the performance of their duties in the manner prescribed in their job descriptions and as provided for by law; and

- (2) the power to alter or modify or set aside what a subordinate had done in the performance of his duties.

Technical supervision shall mean the authority to superintend the method, practice and the procedure followed in the discharge of his functions to ensure that it shall be undertaken in accordance with the established policies and procedures adopted in the Department.

- d. Appearances: All legal division officers and/or regional legal officers shall be authorized by the Secretary of Justice or the Solicitor General in appropriate deputization papers to represent and appear on behalf of the Republic of the Philippines and/or any of its officials and personnel who may sue or be sued in this official capacity and entitled to legal services as provided in existing laws.

Special Assignments and Travel: All officials and personnel of the Department's Legal Division shall be authorized to travel or to undertake special assignments by the Undersecretary for Legal and Legislative Affairs in appropriate order in accordance with existing rules and regulations.

- e. Protocol on Delegated Authority: The protocol on delegated authority as contained in or by appropriate issuances or by the execution of requisite instruments shall be observed at all times. Such protocol shall determine the span of the delegated authority and the limitations thereto.
- f. Referrals or Appeals Process: The legal officer and/or the regional director may initiate motu proprio referrals to the Central Legal Division and/or the Undersecretary for Legal and Legislative Affairs of any proposed issuance, action, resolution or decision, by original referral prior to its formal issuance or through the appeal process within the period provided by law.
- g. Decisions and Contract Management: All officials concerned whether national, regional or cultural are

requested to provide one copy of all decisions rendered and contracts executed or entered into by them to the DECS Legal Division for appropriate records management. If desired, any contract to be entered into by any official, including its initial drafting or preparation, may be referred to the DECS Undersecretary for Legal and Legislative Affairs for review as regards conformity with applicable laws and regulations.

2. For dissemination and guidance of all concerned.

(SGD.) TOMAS V. SANTOS  
Undersecretary  
Officer-in-Charge

Reference:

DECS Order: (No. 103, s. 1987)

Allotment: 1-2-3-4--(M.O. 1-87)

To be indicated in the Perpetual Index  
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