



Republic of the Philippines
Department of Education




NOV 03 2011

DepEd MEMORANDUM
No. **248** , s. 2011

DISSEMINATION OF ADMINISTRATIVE ORDER NO. 22
(Prescribing Rules and Regulations Governing Appeals to the Office
of the President of the Philippines)

To: Undersecretaries
Assistant Secretaries
Bureau Directors
Regional Directors
Schools Division/City Superintendents
Heads, Public Elementary and Secondary Schools
All Others Concerned

1. For the information and guidance of all concerned, enclosed is a copy of Administrative Order No. 22 dated October 11, 2011, entitled ***Prescribing Rules and Regulations Governing Appeals to the Office of the President*** which is self-explanatory.
2. Immediate dissemination of this Memorandum is desired.


BR. ARMIN A. LUISTRO FSC
Secretary

Encl.:
As stated

Reference:
None

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

BUREAUS & OFFICES
LEGISLATIONS

Madel: Dissemination of AO 22
October 28, 2011

MALACAÑAN PALACE
MANILA

*Ad -> Use about
for your reference
Jn*

BY THE PRESIDENT OF THE PHILIPPINES

ADMINISTRATIVE ORDER NO. 22

PRESCRIBING RULES AND REGULATIONS GOVERNING APPEALS TO THE
OFFICE OF THE PRESIDENT OF THE PHILIPPINES

WHEREAS, Administrative Order (AO) No. 18 (s. 1987) was promulgated to govern appeals to the Office of the President;

WHEREAS, in view of the lapse of time and experience gained from the past, some of the provisions of AO No. 18, as amended, need revision to address issues that have arisen and to update the rules to meet the requirements of existing policies and laws, without, however, diminishing the right of the President to refuse to give due course to appeals or petitions for review in cases where there is no express provision of law recognizing the right of the parties to appeal to the Office of the President;

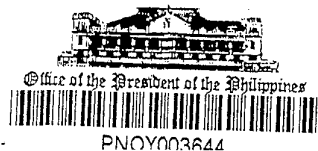
NOW, THEREFORE, I, BENIGNO S. AQUINO III, President of the Philippines, by virtue of the powers vested in me by law, do hereby promulgate the following rules and regulations to govern appeals to or petitions for review filed with the Office of the President, as follows:

SECTION 1. Period to appeal. Unless otherwise provided by special law, an appeal to the Office of the President shall be taken within fifteen (15) days from notice of the aggrieved party of the decision/resolution/order appealed from, or of the denial, in part or in whole, of a motion for reconsideration duly filed in accordance with the governing law of the department or agency concerned.

SECTION 2. Appeal, how taken. The appeal shall be taken by filing a Notice of Appeal with the Office of the President, with proof of service of a copy thereof to the department or agency concerned and the affected parties, and payment of the appeal fee.

SECTION 3. Appeal fee. The appellant shall pay to the Office of the President the appeal fee of Php1,500.00 within the same period for filing a Notice of Appeal under Section 1 hereof. For appeals of deportation orders of the Bureau of Immigration, the appeal fee is Php10,000.00. Pauper litigants, duly certified as such in accordance with the Rules of Court, shall be exempted from the payment of appeal fee. Exemption from payment of the lawful appeal fees may be granted by the Office of the President upon a verified motion setting forth valid grounds therefor. If the motion is denied, the appellant shall pay the appeal fee within fifteen (15) days from notice of the denial.

SECTION 4. Transmittal of record. Within ten (10) days from receipt of a copy of the Notice of Appeal, the department or agency concerned shall transmit to the Office of the President the complete records of the case with each page consecutively



DEPARTMENT OF EDUCATION
OFFICE OF THE UNDERSECRETARY



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numbered and initialled by the custodian of the records, together with a summary of proceedings thereon from the filing of the complaint or petition before the office of origin up to transmittal to the Office of the President in chronological order indicating the action taken, incidents resolved, and listing of all pleadings, motions, manifestations, annexes, exhibits and other papers or documents filed by the contending parties, the corresponding orders, resolutions and decisions, as required in Memorandum Circular (MC) No. 123 (s. 1991).

SECTION 5. Perfection of appeal. The appeal shall be deemed perfected upon the filing of the Notice of Appeal, payment of the appeal fee, and the filing of the appeal memorandum.

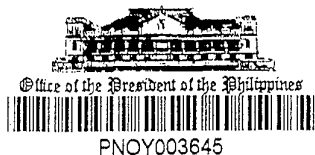
SECTION 6. Period to file appeal memorandum. The appeal memorandum shall be filed within thirty (30) days from the date the Notice of Appeal is filed, with proof of service of a copy thereof to the department or agency concerned and the affected parties.

SECTION 7. Appeal memorandum. The appeal memorandum shall be filed in three (3) copies and shall (a) contain the caption and docket number of the case as presented in the office of origin and the addresses of the parties; (b) indicate the specific material dates showing that it is filed within the period prescribed in Section 1 hereof; (c) contain a concise statement of the facts and issues and the grounds relied upon for the appeal; and (d) be accompanied by a clearly legible duplicate original or a certified true copy of the decision/resolution/order being appealed.

SECTION 8. Non-compliance with requirements. The failure of the appellant to comply with any of the requirements regarding the payment of the appeal fee, proof of service of the appeal memorandum, and the contents of and the documents which should accompany the appeal memorandum shall be sufficient ground for the dismissal of the appeal.

SECTION 9. Stay of execution. The execution of the decision/resolution/order appealed from is stayed upon the filing of the Notice of Appeal within the period prescribed herein, provided that the stay of execution shall not apply (a) where provided by special law, and (b) in decisions/resolutions/order of the Department of Interior and Local Government pursuant to AO No. 23 (s. 1992), as amended. However, in all cases, at any time during the pendency of the appeal, the Office of the President may direct or stay the execution of the decision/resolution/order appealed from upon such terms and conditions as it may deem just and reasonable.

With respect to decisions/resolutions/orders of the Housing and Land Use Regulatory Board, the appeal will stay the execution for a period of sixty (60) days from the date of the filing of a Notice of Appeal within the period set in Section 1, after which the decision/resolution/order shall be executory unless otherwise ordered by the Office of the President.



SECTION 10. Action on appeal. The Office of the President may require the appellee to file a comment to the appeal memorandum within fifteen (15) days from notice, or dismiss the appeal if the Office of the President finds that (a) it has no jurisdiction, (b) the appeal is patently without merit, (c) the appeal is prosecuted manifestly for delay, or (d) the questions raised in the appeal are too unsubstantial to require consideration.

SECTION 11. Comment. The comment shall (a) point out insufficiencies or inaccuracies in appellant's statement of facts and issues and (b) state the reasons why the appeal should be denied or dismissed. A copy shall be served on the appellant and the department or agency concerned, with proof of service submitted to the Office of the President.

SECTION 12. Submission for resolution. The appeal shall be deemed submitted for resolution upon receipt of the comment, unless the Office of the President directs otherwise.

SECTION 13. Memorandum decision. In cases where the facts are in the main accepted by both parties and easily determinable, and there are no doctrinal complications involved that will require an extended discussion of the laws involved, the decision on appealed cases may be in the form of a memorandum decision. The memorandum decision shall adopt by reference the findings of fact and conclusions of law contained in the decision/resolution/order appealed from, either by attaching the same to the memorandum decision or by quoting the decision/resolution/order in the memorandum decision.

SECTION 14. Finality of decision. Decisions/resolutions/orders of the Office of the President shall, except as otherwise provided for by special laws, become final after the lapse of fifteen (15) days from receipt of a copy thereof by the parties, unless a motion for reconsideration thereof is filed within such period. Only one motion for reconsideration by any one party shall be allowed and entertained, save in exceptionally meritorious cases.

SECTION 15. Executory nature of decision. Notwithstanding an appeal or petition for review of the decision/resolution/order of the Office of the President to the Court of Appeals or the Supreme Court, the decision/resolution/order of the Office of the President is executory and the records will be remanded to the department or agency where the case originated, unless the Court of Appeals or the Supreme Court issues an order staying the execution of the decision/resolution/order.

SECTION 16. Withdrawal of appeal. An appeal may be allowed to be withdrawn at any time prior to the promulgation of a decision/resolution/order of the Office of the President on the appeal, except when public interest is prejudiced thereby. Upon the approval of the withdrawal of an appeal, the case shall stand as if no appeal had ever been taken.



Office of the President of the Philippines



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SECTION 17. Delegation of authority. (1) Unless otherwise ordered in writing by the President, the Executive Secretary is authorized to decide and sign decisions/resolutions/orders in appealed cases. Where exigencies arise, the Executive Secretary may in writing temporarily designate the Deputy Executive Secretary for Legal Affairs or any Deputy Executive Secretary to decide and sign decisions/resolutions/orders in appealed cases.

(2) Unless otherwise ordered in writing by the President or the Executive Secretary, the Deputy Executive Secretary for Legal Affairs may sign resolutions and orders which: (a) are interlocutory in nature; (b) dismiss appeals filed out of time or over which the Office of the President has no jurisdiction; (c) dismiss appeals on mutual agreement of the parties, or which have been withdrawn; and (d) declare a decision/resolution/order in an appealed case as final and/or executory, and remanding the case to the relevant department or agency.

SECTION 18. Limitation on appeals. Appeals from decisions/resolutions/orders of the Department of Justice shall continue to be limited to those involving offenses punishable by *reclusion perpetua* to death in accordance with MC No. 58 (s. 1993).

SECTION 19. Application of Rules of Court. The Rules of Court shall apply in a suppletory character whenever practicable and convenient.

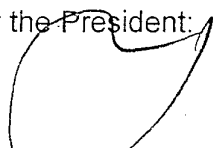
SECTION 20. Repealing clause. AO No. 18, as amended, is hereby repealed, and any other executive order, rule or regulation or any part thereof inconsistent with this Administrative Order is hereby modified and/or amended accordingly.

SECTION 21. Separability clause. If any provision or part of this Administrative Order is held invalid or unconstitutional, the provisions not otherwise affected shall remain valid and subsisting.

SECTION 22. Effectivity clause. This Administrative Order shall take effect fifteen (15) days from publication in a newspaper of general circulation.

DONE, in the City of Manila, this 11th day of October, in the year of our Lord, Two Thousand and Eleven.

By the President:


PAQUITO N. OCHOA, JR.
Executive Secretary

