



Republic of the Philippines
Department of Education

25 AUG 2021

DepEd ORDER
No. **034**, s. 2021

**GUIDELINES ON THE IMPLEMENTATION OF CSC RESOLUTION NO. 2100451
ON THE REAPPOINTMENT (RENEWAL) OF PROVISIONAL APPOINTMENT
OF SENIOR HIGH SCHOOL TEACHERS FIRST HIRED IN SCHOOL YEAR
2016-2017 AND AMENDMENT TO DEPED ORDER NO. 51, S. 2017**

To: Undersecretaries
Assistant Secretaries
Bureau and Service Directors
Regional Directors
Schools Division Superintendents
Public Elementary and Secondary School Heads
All Others Concerned

1. The Department of Education (DepEd) issues the enclosed **Guidelines on the Implementation of the Civil Service Commission (CSC) Resolution No. 2100451 on the Reappointment (Renewal) of Provisional Appointment of Senior High School Teachers (SHS) First Hired in School Year (SY) 2016-2017 and Amendment to DepEd Order (DO) No. 51, s. 2017.**
2. The procedures, standards, and mechanisms stipulated in this Order shall guide all human resource management officers (HRMOs), appointing officers/authorities, teaching personnel, and other stakeholders on the reappointment of SHS provisional teachers who were first hired in SY 2016-2017, pursuant to CSC Resolution No. 2100451 promulgated on June 15, 2021. It shall likewise amend the relevant provisions of DO 51, s. 2017 titled **Amended Qualification Standards for Senior High School Teaching Positions in the Technical-Vocational-Livelihood Track and Other Clarifications on the Hiring Guidelines**, on the effectivity of provisional appointments relative to the official school calendar.
3. All DepEd Orders, rules and regulations, and other related issuances, which are inconsistent with this Order and its provisions, are repealed, rescinded, or amended accordingly.
4. This DepEd Order shall take effect immediately upon its publication in the DepEd website and shall be registered with the Office of the National Administrative Register (ONAR).
5. For more information, please contact the **Bureau of Human Resource and Organizational Development**, 4th Floor, Mabini Building, Department of Education Central Office, DepEd Complex, Meralco Avenue, Pasig City through email bhrod.hrdd@deped.gov.ph or at telephone number (02) 8470-6630.
6. Immediate dissemination of and strict compliance with this Order is directed.



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please scan the QR code



DEPED-OSEC-447149


LEONOR MAGTOLIS BRIONES
Secretary

Encl.

As stated

Reference:

DepEd Order (No. 51, s. 2017)

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

AMENDMENT
APPOINTMENT
HIRING
POLICY
RECRUITMENT
SENIOR HIGH SCHOOL
TEACHERS

JDMC/SMMA/APA/MPC, DO Guidelines on the Implementation of CSC Resolution No. 2100451
0220 – August 3, 2021



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DEPED-OSEC-447149

GUIDELINES ON THE IMPLEMENTATION OF CSC RESOLUTION NO. 2100451 ON THE REAPPOINTMENT (RENEWAL) OF PROVISIONAL APPOINTMENT OF SENIOR HIGH SCHOOL TEACHERS FIRST HIRED IN SCHOOL YEAR 2016-2017 AND AMENDMENT TO DEPED ORDER NO. 51, S. 2017

I. RATIONALE

1. Pursuant to the enactment of Republic Act (RA) No. 10533 or the *Enhanced Basic Education Act of 2013* and Sec. 10(b) of the Civil Service Commission (CSC) Memorandum Circular (MC) No. 14, s. 2018 or the *2017 Omnibus Rules on Appointments and Other Human Resource Actions (ORAOHRA), Revised July 2018*, the Department has been hiring and appointing teachers in the Senior High School (SHS) under provisional status since the first implementation of SHS in 2016. RA No. 10533 allows DepEd to hire non-Licensure Examination for Professional Teachers (LEPT) eligible applicants who are graduates of science, mathematics, statistics, engineering, music, and other degree courses in the absence of qualified LEPT eligible to teach in specialized subjects SHS; provided, that they pass the LEPT within five (5) years.

2. Amid the supervening event that is the COVID-19 pandemic, including the postponement of the 2020 LEPT, the Department recognizes the issues raised by the concerned SHS teachers, who were granted provisional appointment upon their first hiring in 2016, and whom have yet to pass the LEPT.

3. To ensure the unimpeded delivery of basic education services and safeguard the welfare of almost 1,700 affected SHS provisional teachers, the Department of Education (DepEd) submitted an appeal to the CSC to allow the reappointment of the affected SHS provisional teachers, provided they could show proof that they have taken or attempted to take the LEPT at least once in the last five (5) years since 2016.

4. The CSC, as the central personnel agency of the Philippine Government governing actions on appointments and other human resource movements, issued the enclosed Resolution No. 2100451 dated 15 June 2021, authorizing the reappointment (renewal) of the provisional appointments issued to SHS teachers first hired in SY 2016-2017 and with existing provisional appointment for SY 2020-2021 for another school year (SY 2021-2022) under certain conditions.

5. To ensure the effective implementation of the aforementioned CSC Resolution, this policy is hereby issued to provide for the specific procedures, standards, and mechanisms for the reappointment (renewal) of SHS provisional teachers who were first hired in SY 2016-2017; and thereby amending specific provisions of DepEd Order (DO) No. 51, s. 2017 on the effectivity of provisional appointments granted by DepEd relative to the official school calendar.

II. SCOPE

6. This Order shall guide the human resource management officers (HRMOs), Appointing Officers/Authorities, teaching personnel, and other stakeholders in the reappointment (renewal) of SHS teachers first hired in SY 2016-2017 under provisional status but have yet to pass the LEPT within the five (5) year period

allowable by law, reckoned from the date of first hiring, as promulgated in CSC Resolution No. 2100451 dated 15 June 2021.

7. The extension to the five (5) year period granted through CSC Resolution No. 2100451 and the conditions stated therein shall apply only to the affected SHS provisional teachers who were first hired in SY 2016-2017, particularly those whose appointment are dated on or before April 7, 2017 or the last day of SY 2016-2017 per DO No. 23, s. 2016 (*School Calendar for School Year 2016-2017, as amended by DO No. 29, s. 2016*).

It shall exclude all SHS provisional teachers whose first appointment are dated April 8, 2017 onwards, to include all those first hired in SY 2017-2018 and the succeeding school years. It shall likewise exclude all SHS provisional teachers occupying Special Science Teacher I (SST I) positions who were hired by virtue of RA No. 10612 (*Fast Tracked Science and Technology Scholarship Act of 2013*). The provisions of Sec. 10(b) of CSC MC No. 14, s. 2018 (ORAOHRA) and the five (5) year allowance period to pass the LEPT pursuant to RA No. 10533 shall remain in effect and applicable to those not covered by this extension, unless otherwise authorized by subsequent issuances.

8. The amendment to specific provisions of DO No. 51, s. 2017 particularly on the definition and effectivity of provisional appointment by virtue of CSC MC No. 14, s. 2018 (*2017 ORAOHRA, Revised July 2018*) and the specific publication requirements established by CSC in Resolution No. 2100451 shall apply to all existing provisional appointments and all succeeding provisional appointments to be issued by DepEd.

III. DEFINITION OF TERMS

9. For purposes of this Order, the following terms are defined and understood as follow:

- a. **Provisional** refers to an appointment issued to an appointee who meets all the requirements of the position except the eligibility but only in the absence of a qualified eligible actually available who is willing to accept the appointment, as certified by the Schools Division Superintendent. It shall not be effective beyond the school year during which it was issued. The appointment may be subject to reappointment (renewal). Scholar-graduates of the Merit Scholarship Program of the Department of Science and Technology - Science Education Institute (DOST-SEI) shall be allowed to teach on provisional status, which appointment may be renewed every school year but not to exceed four (4) years. (*CSC MC No. 14, s. 2018, ORAOHRA*)
- b. **Reappointment** refers to the issuance of an appointment as a result of reorganization, devolution, salary standardization, re-nationalization, recategorization, rationalization or similar events, including the following:
 - (1) The issuance of appointment from temporary to permanent, career to non-career or vice versa, non-career to another non-career, all of which entails no gap in the service, shall be considered as reappointment. Non-career employees who are appointed for the first time in the career service under permanent status shall be required to undergo probationary period for six (6) months.
 - (2) The renewal of temporary, contractual and casual

appointment upon the expiration of the appointment or subsequent appointment of substitute teachers, which entails no gap in the service, shall be considered as reappointment. A temporary appointment may be renewed in the absence of an applicant who meets all the qualification requirements of the position as certified by the appointing officer/authority and provided that the performance rating of the employee is at least Satisfactory. [...] (CSC MC No. 14, s. 2018, ORAOHRA)

- c. **Reemployment** refers to the appointment of a person who has been previously appointed to a position in the government service but was separated therefrom as a result of reduction in force, reorganization, retirement, voluntary resignation, or any non-disciplinary action such as dropping from the rolls and other modes of separation. Reemployment presupposes a gap in the service.

IV. POLICY STATEMENT

10. It is the policy of DepEd to ensure the unhampered delivery of learning and safeguard the welfare of its personnel through the reappointment (renewal) of the affected SHS provisional teachers for another school year, subject to the standards and conditions set by the CSC. This DepEd Order hereby provides for the set of guidelines, procedures, and conditions that governs the reappointment (renewal) of provisional appointments of the SHS teachers first hired in 2016. It shall likewise amend and update specific provisions of existing DepEd Orders based on recent CSC issuances, rules, and regulations.

V. PROCEDURES

A. Implementation of CSC Resolution No. 2100451

11. In response to the appeal of the Department represented in the CSC Resolution No. 2100451 dated June 15, 2021, **the CSC granted to allow the reappointment (renewal) of the provisional appointments issued to SHS teachers first hired in SY 2016-2017 and with existing provisional appointment for SY 2020-2021 for another school year (SY 2021-2022)**, subject to the following conditions:

- a. The affected provisional teachers could show proof that they have taken the LEPT at least once in the last five (5) years;
- b. There are no qualified LEPT eligible applicants in the DepEd Registry of Qualified Applicants (RQA), as certified by the Schools Division Superintendent (SDS); and
- c. The provisional appointments may be terminated when qualified LEPT eligible applicants becomes available and willing to accept the appointments.

12. To implement the said Resolution, the following guidelines are hereby established:

- a. The Resolution and the conditions specified above shall apply only to the affected SHS provisional teachers who were first hired in SY 2016-2017. The HRMO in the School Division Office (SDO) shall verify that

the date of first hiring of those covered by these guidelines, as reflected in the face of their appointment, shall be **on or before April 7, 2017** or the last day of SY 2016-2017 per DO No. 23, s. 2016 (*School Calendar for School Year 2016-2017, as amended by DO No. 29, s. 2016*)

- b. For condition no. 11.a, the HRMO in the SDO shall validate and ensure that the concerned SHS teacher presents proof that they have taken the LEPT at least once in the last five (5) years.

A copy of the LEPT Examination Application Number or the Notice of Admission (NOA) generated by the Professional Regulations Board of the PRC, shall be provided by the concerned teacher and submitted accordingly to the HRMO.

- c. In accordance with Sec. 8 of RA No. 10533 and Sec. 10(b) of CSC Memorandum Circular No. 14, s. 2018 (*2017 ORAOHRA, Revised July 2018*), and as emphasized in condition no. 11.b, the hiring of non-LEPT eligible applicants shall be allowed only when there is a shortage of qualified LEPT eligible applicants who are available and willing to teach in relevant specialized subjects in the SHS. The SDS, as the appointing officer/authority, shall certify that there are no qualified LEPT passers in the RQA and/or all other LEPT passers in the RQA who are qualified to teach in relevant specialized subjects have already been exhausted and appointed.

Item 2, Part H of DO No. 32, s. 2016 and its enclosure shall be used as basis and template for the certification for the appointment of Non-LEPT Passers.

- d. To ensure compliance with condition no. 11.c, the CSC further establishes that the DepEd shall cause the publication and posting of the affected teaching positions **before the end of SY 2020-2021 (July 10, 2021)** and **every six (6) months thereafter** to invite qualified LEPT eligible applicants who shall undergo the selection process, subject to the applicable hiring guidelines.

13. Consistent with the Rule III of the CSC ORAOHRA, the following procedures shall be strictly observed by the HRMO and the Appointing Officer/Authority in the preparation of provisional appointments, provided that the SHS provisional teacher have met the conditions in the Part V.A of this Order:

- a. The decision to reappoint (renew) the concerned SHS provisional teacher for another school year (SY 2021-2022) shall be rendered by the SDS as the appointing officer/authority and conferred to the HRMO, in accordance with the applicable guidelines and conditions set in this Order. The same shall be the basis of the HRMO in the preparation and submission of appointment papers and documentary requirements to the CSC Field Offices (FO).
- b. All SHS provisional appointees who were first hired within SY 2016-2017 ending April 7, 2017 and whose five (5) year period has already expired or will expire within SY 2021-2022 may still be reappointed (renewed) in the coming SY 2021-2022 effective until **June 24, 2022**;

provided they meet the conditions stipulated in CSC Resolution No. 2100451 as stated in this Order.

- c. Affected SHS teachers first hired in SY 2016-2017 and whose existing provisional appointments in SY 2020-2021 have been terminated prior to the issuance of the CSC Resolution No. 2100451 *may* be reemployed subject to the guidelines and conditions set in this Order and other applicable CSC rules and regulations.
- d. **Nature of Appointment.** Upon the issuance of CSC Form No. 33-A/33-B, provisional appointments which have already terminated before July 10, 2021, or the end of SY 2020-2021 shall be considered as reemployment; otherwise, said appointments shall be considered as reappointment.

The nature of appointment, which may be reemployment or reappointment, shall be indicated on the space in the appointment paper provided therefor.

- e. **Date of Signing and Period of Effectivity.** The date of signing, which shall be the date of issuance and the date of effectivity of the provisional appointment, shall be indicated below the signature of the appointing officer/authority.

The approval of the provisional appointment for SY 2021-2022 of the affected SHS teacher shall be effected only by the appointing officer/authority, the effectivity of which shall not go beyond SY 2021-2022, in accordance with DO No. 029, s. 2021 or the School Calendar and Activities for SY 2021-2022; without prejudice to early termination before the end of SY 2021-2022 should there be LEPT eligible applicants who are qualified to teach in specialized subjects and available to take the position, who shall be required to undergo the selection process in accordance with the applicable hiring guidelines.

The HRMO shall be guided by the notation to be reflected in the face of the appointment paper of the affected SHS teacher under provisional status, to wit:

***“Date of effectivity: _____ to June 24,
2022 or the end of SY 2021-2022.”***

- f. The appointing officer/authority shall be accountable in the appointments, and in responding to queries and complaints pertaining to the results of the reappointment (renewal) or reemployment.

14. The validity of the appointment of the affected SHS provisional teachers first hired on SY 2016-2017 shall only be effective until the last day of SY 2021-2022.

15. The five (5) year allowance period to pass the LEPT pursuant to RA No. 10533 and the relevant provisions of CSC MC No. 14, s. 2018 (2017 ORAOHRA, Revised July 2018) shall remain in effect and applicable to all SHS provisional teachers whose first appointment are dated April 8, 2017 onwards, to include all those first hired in

SY 2017-2018 and the succeeding school years, unless otherwise authorized by subsequent issuances.

B. Amendment to DO No. 51, s. 2017 and Other Clarifications

16. In consonance with Sec. 10(b) of CSC MC No. 14, s. 2018 (*2017 ORAOHRA, Revised July 2018*) which states that “*it shall not be effective beyond the school year during which it was issued,*” and in consideration of sudden changes in the school calendar, the footnote of Item 1, Part III of the DO No. 51, s. 2017 on the definition of a provisional appointment, shall be amended and clarified as follows:

“For purposes of reckoning the effectivity of provisional appointments issued in a given year, the end of school year shall be based on the official DepEd issuance of school calendar for that specific school year.”

17. Relative thereto, all provisional appointments issued in a given year shall be effective until the end of school year during which it was issued based on the official school calendar as may be issued by DepEd. The provisional appointment issued can be terminated any time within the school year due to following conditions, as may be applicable:

- a. When an LEPT eligible applicant who is qualified to teach in specialized subjects becomes available and willing to accept the appointment, subject to applicable hiring guidelines; and
- b. When the provisional appointee has exhausted the five (5)-year period and has yet to pass the LEPT within that period as allowable by law, reckoned from the date of first hiring.

18. It is reiterated that the provisional appointment may be renewed in the absence of an applicant who meets all the qualification requirements of the position as certified by the SDS and provided that the performance rating of the employee is **at least Satisfactory** pursuant to Sec. 10(e)(2) of CSC MC No. 14, s. 2018 (CSC ORAOHRA).

19. To ensure continued search for qualified LEPT eligible applicants who may be qualified to teach in relevant specialized subjects, all SHS teaching positions held by provisional appointees shall be published every six (6) months reckoned from the date of issuance of the provisional appointment. This is to ensure that the continued employment of the non-LEPT eligible appointees under provisional status is corollary of the lack of LET eligible applicants in the SDO, as certified by the SDS, pursuant to the conditions as provided for in Sec. 8 of RA No. 10533, Sec. 10(b) of CSC MC No. 14, s. 2018 (*2017 ORAOHRA, Revised July 2018*), and CSC MC No. 20, s. 2002 (*Revised Policies on Temporary Appointments and Publication of Vacant Positions*).

20. The applicable laws and guidelines on publication and posting provided under RA No. 7041 (*An Act Requiring the Regular Publication of Existing Vacant Positions in Government Offices*) and CSC ORAOHRA shall apply. The affected SHS teaching positions, together with their corresponding qualification standards (QS) and plantilla item numbers, shall be published in the CSC website and posted in at least three (3) conspicuous places for a period of at least 10 calendar days. The publication and posting of affected SHS positions shall be prepared and certified by the HRMO through the submission of Civil Service (CS) Form No. 9, Revised 2018 in

electronic and printed copies to the concerned CSC FO, subject to the Rule VII of CSC MC No. 14, s. 2018 (CSC ORAOHRA).

21. The publication of positions shall be valid until filled but not to extend beyond six (6) months reckoned from the date the position was published. The affected SHS position shall continue to be re-published and re-posted every six (6) months until a qualified LEPT eligible applicant becomes available and willing to take the appointment; unless otherwise the provisional appointee holding the position acquires LEPT eligibility.

22. It is clarified that should a provisional appointee pass the LEPT any time within the school year, the HRMO shall immediately facilitate the change in status of appointment from provisional to permanent. The provisional appointee shall no longer be required to undergo the hiring and selection process.

23. All other provisions on appointment stipulated in Agency Merit Selection Plan, applicable hiring guidelines, and rules and regulations as provided for in CSC MC No. 14, s. 2018 (ORAOHRA), as applicable, shall strictly be adhered to.

VI. Monitoring and Evaluation

24. To ensure smooth implementation of this Order, the SDS, the HRMO, and other stakeholders shall regularly monitor strict adherence to these guidelines. They shall establish a systematic feedback mechanism and evaluate, address, and report implementation and policy issues that may arise.

25. The Human Resource Development Division of the Bureau of Human Resource and Organizational Development (BHROD-HRDD), together with its Regional Office (RO) – HRDD and HRD Section under School Governance and Operations Division (SGOD) in the SDO, shall regularly monitor and evaluate existing policies, guidelines, rules, and regulations on hiring. In addition, SDS may also submit to the RO-HRDD their policy recommendations whenever deemed necessary, for onward endorsement to BHROD-HRDD.

26. The result of the evaluation and consolidated recommendations from the SDOs shall be consulted with the CSC and other government agencies concerned.

27. The BHROD-HRDD shall recommend policy actions on the HR management rules and regulations to the Office of the Secretary that will serve the best the interest of the Department.

VII. References

28. This Order is formulated on the basis of provisions stipulated in the following issuances:

- a. Republic Act No. 10533, dated 15 May 2013, "*Enhanced Basic Education Act of 2013*";
- b. CSC Memorandum Circular No. 14, s. 2018, "*2017 Omnibus Rules on Appointments and Other Human Resource Actions, Revised July 2018*";
- c. CSC Resolution No. 1200451 promulgated 15 June 2021, "*CSC Resolution Department of Education re: Request for Reappointment (Renewal) of Provisional Appointments of SHS Teachers First Hired in SY 2016-2017*";

- d. DO No. 51, s. 2017, Amended Qualification Standards for Senior High School Teaching Positions in the Technical-Vocational-Livelihood Track and Other Clarifications on the Hiring Guidelines;
- e. DO No. 32, s. 2016, Addendum to DepEd Order No. 3, s, 2016; and
- f. DO No. 3, s. 2016, Hiring Guidelines for Senior High School (SHS) Teaching Positions Effective School Year (SY) 2016-2017

VIII. Repealing Clause

29. All DepEd Orders, rules and regulations, and other related issuances, which are inconsistent with this Order and its provisions, are hereby repealed, rescinded, or amended accordingly.

30. All other provisions stated in DO No. 51, s. 2017 and other DepEd issuances that are not affected by this Order shall remain effective, unless otherwise amended by subsequent DepEd policies.

IX. Separability Clause

31. If any provision of this policy or the application of such provision to any person or circumstance is declared invalid, the remainder of the policy or the application of such provision to other persons or circumstances shall not be affected by such declaration.

X. Effectivity

32. This DepEd Order shall take effect immediately upon its publication in the DepEd website and shall be registered with the Office of the National Administrative Register (ONAR).



Department of Education

Re: Request for Reappointment (Renewal)
of Provisional Appointments of SHS
Teachers First Hired in SY 2016-2017

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NOTICE OF RESOLUTION

Sir/Madam:

The Commission promulgated on **15 June 2021 Resolution No. 2100451** on the above-cited case, copy attached. Its original is on file with this Commission.

17 June 2021.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Katherine Limare-Delmoro'.

KATHERINE LIMARE-DELMORO
Acting Director IV
Commission Secretariat and Liaison Office

Copy furnished:

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Bawat Kawani, Lingkod Bayani



Department of Education
Re: Request for Reappointment (Renewal)
of Provisional Appointments of SHS
Teachers First Hired in SY 2016-2017

Number: 2100451

Promulgated: 15 June 2021

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RESOLUTION

The Department of Education (DepEd)¹ requests the reappointment (renewal) of provisional appointments of Senior High School (SHS) teachers first hired in SY 2016-2017 and whose appointments are expiring by the end of SY 2020-2021.

The DepEd represented, as follows:

“With the enactment of Republic Act (RA) No. 10533 or the Enhanced Basic Education Act of 2013, the Department of Education (DepEd) has been hiring teachers in the Senior High School (SHS) under provisional appointment since 2016. This is pursuant to Section 8(a) of the said law which states that notwithstanding the provisions of Sections 26, 27 and 28 of RA No. 7836, otherwise known as the ‘Philippine Teachers Professionalization Act of 1994,’ DepEd shall hire, as may be relevant to the particular subject:

*‘(a) Graduates of science, mathematics, statistics, engineering, music and other degree courses with shortages in qualified Licensure Examination for Teachers (LET) applicants to teach in their specialized subjects in the elementary and secondary education. Qualified LET applicants shall also include graduates admitted by foundations duly recognized for their expertise in the education sector and who satisfactorily complete the requirements set by these organizations: **Provided, That they pass the LET within five (5) years after their date of hiring:** Provided, further, That such graduates are willing to teach on part-time basis, the provisions of LET shall no longer be required.’ xxx*

¹ In a letter by DepEd Undersecretary Jesus L.R. Mateo dated February 18, 2021

A handwritten signature in black ink, appearing to be 'Kw'.

Bawat Kawani, Lingkod Bayani

“Said hiring of provisional teachers is likewise in accordance with Sec. 10 of the Civil Service Commission (CSC) Memorandum Circular (MC) No. 14, s. 2018 or the 2017 Omnibus Rules on Appointments and Other Human Resource Actions (ORAOHRA), Revised 2018 which defines **provisional appointment** as follows:

“Provisional – an appointment issued to an appointee who meets all the requirements of the position except the eligibility but only in the absence of a qualified eligible actually available who is willing to accept the appointment, as certified by the Schools Division Superintendent. The appointment may be subject to reappointment (renewal). Scholarship-graduates of the Merit Selection Program of the Department of Science and Technology – Science Education Institute (DOST-SEI) shall be allowed to teach on provisional status, which appointment may be renewed every school year but not to exceed four (4) years.

“Pursuant to the provisions of RA No. 10533, the five (5)-year allowance period to pass the Licensure Examination for Teachers (LET) granted to provisional teachers who were first hired in SY 2016-2017 is anticipated to lapse by the end of SY 2020-2021. However, with the decision of the Professional Regulation Commission (PRC) to postpone the 2020 LET administration, originally scheduled on March and September 2020 and previously moved to March 2021 due to COVID-19 pandemic, this Department has been receiving appeals from our field offices and affected provisional teachers to extend the five (5) year allowance period to allow the reappointment (or renewal of appointment) of the affected provisional teachers in SY 2021-2022. In addition to the influx of requests from teachers concerned, DepEd is likewise anticipating that the postponement of the LET would result in further shortages in LET eligible applicants who are qualified to teach in specialized subject in the SHS in the coming school year.

“In view of the foregoing, with the authority and jurisdiction of the Commission to act on appointments, this Department would like to inquire with your Office whether it is possible to allow the reappointment (or renewal of appointment) of the affected provisional teachers who were first hired in SY 2016-2017 and whose appointments are about to expire by the end of this school year, taking into account that the reason for their non-passing the LET within the five (5)-year period is due to circumstances that are not entirely within their control. **Provided**, however, that such consideration be granted **only** to those affected provisional teachers who could show proof that that they have taken the LET at least once in the last five (5) years. We have formally submitted an appeal to the Professional Regulation Commission (PRC) to accommodate and allow the affected provisional teachers to re-take the 2021 LET in

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September. If approved by the PRC, it is further recommended that the affected provisional teachers be granted reappointment in SY 2021-2022; **provided**, that said reappointment will be subject to termination in the event that the said teacher fails to pass the 2021 LET per official results to be released by the PRC. Finally, it is emphasized that such consideration apply **only** to the affected provisional teachers who were first hired in SY 2016-2017 and shall not cover those hired in SY 2017-2018 onwards, unless otherwise further requested by DepEd or as may be provided by law.

“On another matter, this Department would likewise want to inquire if the Commission would consider the reappointment (or renewal of appointment) of existing provisional teachers even where there are available qualified LET eligible applicants in the Registry of Qualified Applicants (RQA) in the specific specialized learning area. **Provided**, that such reappointment (or renewal of appointment) is within the five (5)-year allowance period. **Provided further**, that the reappointment (or renewal of appointment) of provisional teachers be allowed **only** when the qualified LET eligible applicant does not accept the appointment for any reason such as issues on the school assignment, among others, as evidenced by a waiver duly signed by the qualified LET eligible applicant. This inquiry is being made in consideration of the teaching experience, training, and professional development, among others, that the current provisional teachers have already acquired from their years of service in the Department.

“Should the Commission warrant merit to this inquiry, **this Department would like to request for the issuance of a CSC resolution that would serve as the legal basis for our CSC and DepEd field offices to process the reappointment of provisional teachers concerned.**”

The Commission, through the Human Resource Policies and Standards Office, requested the DepEd to provide the following data:

1. The total number of affected provisional teachers who were first hired in SY 2016-2017 per region;
2. Latest/updated schedule of the LET to be conducted by the PRC; and
3. DepEd Calendar for SY 2020-2021.

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In compliance thereto, the DepEd in its letter dated 21 April 2021 provided the following:

“xxx please be informed that there are 1,638 affected SHS Teachers under provisional appointments who were first hired in SY 2016-2017. The total number of the affected provisional teachers per region is as follows:

Region	Number of Provisional Teachers hired in 2016
Cordillera Administrative Region (CAR)	4
National Capital Region (NCR)	40
Region I	104
Region II	44
Region III	216
Region IV-A	215
Region IV-B	108
Region V	143
Region VI	56
Region VII	79
Region VIII	157
Region IX	153
Region X	52
Region XI	61
Region XII	100
Region XIII - CARAGA	106
TOTAL	1,638

*“As per the latest advisory (Annex A) of the PRC, the March 28, 2021 Licensure Examination for Professional Teachers (LEPT) has been rescheduled to **September 26, 2021**, pursuant to Resolution No. 1256, s. 2020, wherein the LEPT is classified as a large-scale examination and shall not be administered during the pandemic.*

“Finally, about the DepEd Calendar for SY 2020-2021, please be informed that the Academic Quarters 3 and 4 have been adjusted to May 15, 2021, and July 10, 2021, respectively. Attached here are the DepEd Order (DO) Nos. 012, s. 2021 and 007, s. 2020 for your ready reference.”

The issue to be resolved is whether the provisional appointments for SHS teachers issued by the DepEd in School Year (SY) 2016-2017 can be renewed for another year due to the postponement of the administration of the LET in the year 2020 despite the availability of licensed teachers in the DepEd Registry of Qualified Applicants (RQA).

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Relevant to the resolution of the issue at hand is **Section 8, Republic Act (RA) No. 10533**, otherwise known as the "**Enhanced Basic Education Act of 2013**," which provides in part, thus:

SEC. 8. Hiring of Graduates of Science, Mathematics, Statistics, Engineering and Other Specialists in Subjects With a Shortage of Qualified Applicants, Technical- Vocational Courses and Higher Education Institution Faculty.- Notwithstanding the provisions of Sections 26, 27 and 28 of Republic Act No. 7836, otherwise known as the "Philippine Teachers Professionalization Act of 1994", the DepED and private education institutions shall hire, as may be relevant to the particular subject:

(a) Graduates of science, mathematics, statistics, engineering, music and other degree courses with shortages in qualified Licensure Examination for Teachers (LET) applicants to teach in their specialized subjects in the elementary and secondary education. Qualified LET applicants shall also include graduates admitted by foundations duly recognized for their expertise in the education sector and who satisfactorily complete the requirements set by these organizations: Provided, That they pass the LET within five (5) years after their date of hiring: xxx."

Furthermore, **Section 10 (b), Rule IV of the 2017 Omnibus Rules on Appointments and Other Human Resource Actions (ORAOHRA)**, as amended, states that:

"Sec. 10. Employment Status of Teachers. The employment status of teachers to any teaching position shall be any of the following:

"b. Provisional – an appointment issued to an appointee who meets all the requirements of the position except the eligibility but only in the absence of a qualified eligible who is willing to accept the appointment, as certified by the Schools Division Superintendent. It shall not be effective beyond the school year during which it was issued.² The appointment may be subject to reappointment (renewal). xxx"

Based on RA No. 10533 or the Enhanced Basic Education Act of 2013, graduates of degree courses with shortages in qualified Licensure Examination for Teacher (LET) applicants, may be hired or appointed to teach in public schools on the condition that they pass the LET within five (5) years from the date of their hiring or appointment.

² Pursuant to RA No. 10533 (The Enhanced Basic Education Act of 2013) approved on May 15, 2013.

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Under Section 10 (b) of the 2017 ORAOHRA, as amended, a provisional appointment is issued to an appointee to a teaching position who meets all the requirements of the position except the eligibility but only in the absence of a qualified eligible who is actually available and who is willing to accept the appointment, as certified by the Schools Division Superintendent. It can be inferred from the said provision two (2) instances when a provisional appointment, original or reappointment (renewal) in nature, may be allowed:

- 1.) The absence of a qualified eligible who is actually available; and
- 2.) The lack of interest of a qualified eligible to accept the appointment.

Thus, the lack of interest of a qualified RA 1080 (Teacher) eligible actually available for appointment is sufficient ground to reappoint (renew) the appointment of a provisional teacher who is willing to teach.

It may be mentioned that upon the request of the DepEd, the Commission through CSC Resolution No. 1801278, promulgated on November 20, 2018, approved the automatic reappointment (renewal) of provisional appointments issued to SHS teachers for the succeeding 4 years after the issuance of the first provisional appointment. In such case, the DepEd only issues reappointment (renewal) to the provisional teacher without the required publication and posting, and the assessment/evaluation of the Human Resource Merit Selection Board (HRMPSB).

The provisional appointments of SHS teachers who were first hired in SY 2016-2017 and who have not yet obtained the required eligibility (LET), are about to expire by the end of SY 2020-2021 or on July 10, 2021. The DepEd mentioned that there are available qualified LET eligible applicants in its Registry of Qualified Applicants (RQA) who may be willing to accept the appointment.

However, with the emergence of the Coronavirus Disease 2019 (COVID-19) pandemic, the Philippine Government through the Office of President (OP) issued Proclamation No. 922 dated March 8, 2020 (Declaring a State of Public Health Emergency) and Proclamation No. 929 dated March 16, 2021 (Declaring a State of Calamity throughout the Philippines Due to Corona Virus Disease 2019). Furthermore, the Office of the Executive Secretary (OES) issued a Memorandum Circular (MC) dated March 16, 2020 placing parts of the country especially Luzon under Enhanced Community Quarantine (ECQ) and under other community quarantine qualifications for other localities.

In line with the said OES MC, the Commission issued CSC Announcement Nos. 12 and 13, s. 2020 which limited work arrangement of government agencies in Luzon to work from home (WFH), except agencies providing essential health frontline services for the duration of ECQ, as part of the implementation of the strict home quarantine policy. Further, the Commission issued CSC Memorandum Circular (MC) No. 10, s. 2020 dated May 7, 2020 providing for the Revised Interim Guidelines for Alternative Work Arrangements and Support Mechanisms for Workers

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in the Government During the Period of State of National Emergency Due to COVID-19 Pandemic, as amended by CSC MC No. 18, s. 2020 dated October 15, 2020.

The Inter-Agency Task Force on Emerging Infectious Diseases (IATF-EID) imposed strict implementation of health measures such as WFH, social distancing, mobility restrictions and ban on mass gatherings. These measures constrained government agencies to postpone the administration of government examinations such as the PRC Licensure Examinations for Teachers (LET) in 2020.

The DepEd submitted this request to the Commission in representation of the appeals from its field offices and affected provisional teachers to extend the five (5) year allowance period to allow the reappointment (renewal) of appointment, in consideration of the teaching experience, training, and professional development, among others, that the current provisional teachers have already acquired from their years of service in the Department. Also, the DepEd anticipates that the postponement of the LET in 2020 would result in further shortages in LET eligible applicants who are qualified to teach in specialized subjects in the SHS in the coming school year. Lastly, the DepEd submitted an appeal to the PRC to administer the 2021 LET for affected provisional teachers in September 2021.

In consideration of the foregoing representations of the DepEd, and given the force majeure event or the unforeseen and uncontrollable circumstances brought by the COVID-19 pandemic, the Commission is inclined to grant the request to allow the reappointment (renewal) of the provisional appointments of SHS teachers first issued in SY 2016-2017 and with existing provisional appointment for SY 2020-2021 for another school year (SY 2021-2022) on the following conditions:

- The affected provisional teachers could show proof that they have taken the LET at least once in the last five (5) years;
- There are no available qualified LET eligible applicants in the DepEd Registry of Qualified Applicants (RQA), as certified by the Schools Division Superintendent; and
- The provisional appointments may be terminated when qualified LET eligible applicants become available and willing to accept the appointments.

Furthermore, the DepEd shall cause the publication and posting of the affected teaching positions before the end of SY 2020-2021 and every six (6) months thereafter to invite qualified LET eligible applicants who shall undergo the selection process.

WHEREFORE, the Commission **GRANTS** the request of the Department of Education (DepEd) for the reappointment (renewal) of the provisional appointments issued to Senior High School (SHS) teachers first hired in School Year (SY) 2016-2017, for SY 2021-2022, in light of the postponement of the administration of the

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Licensure Examination for Teachers (LET) in the year 2020, subject to the following conditions:

- Proof that the affected provisional teachers have taken the LET at least once in the last five (5) years;
- Absence of available qualified LET eligible applicants in the DepEd Registry of Qualified Applicants (RQA), as certified by the Schools Division Superintendent;
- Termination of provisional appointments when qualified LET eligible applicants become available and willing to accept the appointments.

The Commission **RESOLVES FURTHER** that the DepEd shall cause the publication and posting of the affected teaching positions before the end of SY 2020-2021 and every six (6) months thereafter to invite qualified LET eligible applicants who shall undergo the selection process.

This Resolution shall take effect immediately.

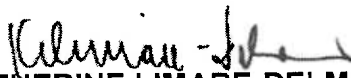
Quezon City.

ORIGINAL SIGNED
ALICIA dela ROSA-BALA
Chairperson

ORIGINAL SIGNED
ATTY. AILEEN LOURDES A. LIZADA
Commissioner

VACANT
Commissioner

Attested by:


KATHERINE LIMARE-DELMORO
Acting Director IV
Commission Secretariat and Liaison Office