



Republic of the Philippines
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
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(Date of Approval)

DENR ADMINISTRATIVE ORDER
NO. 2023 - _____

**SUBJECT : COMPREHENSIVE RULES ON APPEALS TO THE
OFFICE OF THE SECRETARY**

Pursuant to the relevant provisions of Executive Order No. 292, s. 1987 dated 25 July 1987, otherwise known as the "Administrative Code of 1987", Executive Order No. 192, s. 1987 dated 10 June 1987, or the "Reorganization Act of the Department of Environment and Natural Resources", Executive Order No. 366 dated 04 October 2004, "Directing a Strategic Review of the Operations and Organizations of the Executive Branch and Providing Options and Incentives for Government Employees who may be Affected by the Rationalization of the Functions and Agencies of the Executive Branch", Republic Act No. 11032 or "the Ease of Doing Business and Efficient Government Service Delivery Act of 2018" and 2017 Rules on Administrative Cases in the Civil Service (RACCS), the following Rules on Appeal (RoA) to the Office of the Secretary is promulgated for the compliance and guidance of all concerned.

RULE I.
PRELIMINARY PROVISIONS

SECTION 1. Declaration of Policy. In the interest of the expeditious and efficient administration of justice, and adjudication in the exploration, development, utilization, and conservation of the country's natural resources, forest lands, alienable and disposable public lands, lands of public domain, mineral resources, it is the policy of the Department to:

- 1.1.** Institute reforms that would transform the Department into an efficient and results-oriented structure to attain improved government performance.
- 1.2.** Take appropriate measures to promote transparency encompassing a program for the adoption of simplified requirements and procedures that will reduce red tape and expedite business and nonbusiness related transactions in government.
- 1.3.** Promote integrity, accountability, proper management of public affairs and public property as well as to establish effective practices, aimed at efficient turnaround of the delivery of government services and the prevention of graft and corruption in government.

SECTION 2. Objectives. These rules aim:

- 2.1.** To provide for the orderly and expeditious administration of justice in cases appealed to the Office of the Secretary (OSec) and Office of Origin (OO).
- 2.2.** To provide a set of rules that is appropriate to the particular legal circumstances brought before the OSec and the OO, with consideration to the proportionate nature of the matter and designed to expedite the resolution of disputes and disposition of cases before the Department.
- 2.3.** To employ a uniform and updated appeal process at the OSec and related procedures at the OO that will facilitate and promote access to justice and speedy disposition of ENR cases, including administrative “disciplinary” cases within the appellate jurisdiction of the OSec.

SECTION 3. Scope and Coverage. These Rules shall govern pleadings, practice, and procedure before the OSec and OO; and shall cover all judgment issued by the Heads of OO (HOO) over which the OSec has appellate jurisdiction.

RULE II.
DEFINITION OF TERMS

SECTION 4. Definition of Terms. The terms and phrases defined in existing public land laws, environmental laws, rules, and regulations implemented and enforced by the Department shall be given the same meanings when used herein. As used herein, the following terms shall mean:

- 4.1. *Administrative "Disciplinary" Cases* - Those when the HOO issues a formal charge or notice of charge to the respondent **for administrative liability**.
- 4.2. *Appeal* - a legal proceeding by which a decision, resolution, order, or award of the HOO is brought before the OSec for review.
- 4.3. *Appeal Memorandum* - a pleading submitted by the Appellant to the OO, copy furnished the Appellee, which provides for a concise statement of facts, the alleged issues and/or assignment of errors on the Decision of the OO on whom the OSec has appellate jurisdiction, the legal bases supporting the position that the alleged issues and/or assignment of errors, which, if meritorious, would warrant the reversal or modification of the assailed Decision, Order, Resolution, or Award, and the prayer containing the relief/s that the Appellant is seeking from the OSec.
- 4.4. *Appellant* - The party appealing a decision, resolution, order, or award of the HOO to the OSec to nullify, reverse or modify the issuance of the HOO.
- 4.5. *Appellee* - A party who has won a judgment in a dispute, proceedings or favorable findings before the OO in an administrative proceeding.

1 The party against whom the appeal is filed and who responds to the
2 appeal generally wants the OSec to agree with the OO's disposition.

- 3
- 4 **4.6. *Award*** - refers to the instrument issued by the Secretary, HOO or duly
5 authorized officer as a result of the application.
6
- 7 **4.7. *Decision*** - an issuance by the Secretary or HOO or duly authorized
8 officer reaching a conclusion after an evaluation of facts and law. It
9 includes final judgments, rulings, and interlocutory or provisional
10 orders rendered within their respective authority and jurisdiction.
11
- 12 **4.8. *Dilatory (pleadings)*** - pleadings that are intended to cause delay.
13
- 14 **4.9. *Electronic-Filing or E-Filing*** - the process of electronically filing
15 pleadings and other submission with the OO through the Legal Division
16 or OSec through the Legal Affairs Service (LAS) pursuant to guidelines
17 issued by the Department.
18
- 19 **4.10. *Environment and Natural Resources (ENR) cases*** - mining,
20 environment, forestry, lands, biodiversity, and other cases where the
21 DENR has jurisdiction.
22
- 23 **4.11. *Judgment*** - Shall refer to the decision, resolution, order, award, or
24 related issuance that completely disposes of the case by the HOO or the
25 OSec having jurisdiction over the matter.
26
- 27 **4.12. *Indigent Litigant*** - a party who is permitted to avail of the remedy
28 available to him/her without paying the appeal fee under these Rules.
29
- 30 **4.13. *Interlocutory Order*** - refers to an order or directive, given by the
31 Secretary or HOO or duly authorized officer, given in an intermediate
32 stage between the commencement and termination of a cause of action,
33 proceeding or appeal that does not completely disposes of the case, or
34 of a particular matter therein but used to provide a temporary or
35 provisional decision on an issue.
36
- 37 **4.14. *Intervenor*** - A person who has a legal interest in the case, or in the
38 success of either of the parties, or an interest against both, or is so
39 situated as to be adversely affected by a distribution or other disposition
40 of property which is the subject matter of the case.
41
- 42 **4.15. *Legal Affairs Service Records Officer (LARO)*** - a duly designated legal
43 records officer exclusively for the Legal Affairs Service, DENR Central
44 Office records management processes in LAS and record-keeping of all
45 the cases filed before the OSec.
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- 47 **4.16. *Legal Records Officer (LRO)*** - a duly designated legal records officer
48 exclusively for the legal division of the OO who shall be responsible for
49 the records management processes in Legal Division of the OO
50 managing records but not limited to registering records, record-keeping
51 until final disposition of all the cases filed before the OO.
52

SECTION 6. Issuance of Certificate of Finality of Judgment. The HOO or his or her duly authorized representative shall issue *motu proprio* or upon motion of the party, a Certificate of Finality (***Form No. 2 Certificate of Finality of Judgment attached as Annex “B”***) when the aggrieved party fails to file the appeal within the reglementary period provided in these Rules or when the appeal has not been perfected in accordance with Sections __, __ Rule __, of these Rules.

SECTION 7. Motion for Reconsideration. Only one (1) MR by the aggrieved shall be allowed and entertained from the judgment of the HOO which shall be filed within fifteen (15) days from receipt thereof, with proof of service to the other party.

The period of appeal to the OSec shall be interrupted upon the filing of the MR.

If an MR is denied, the party who filed the motion shall have the right to perfect his or her appeal for a FRESH PERIOD of fifteen (15) days, reckoned from receipt of the denial of the MR and ten (10) days to file an appeal memorandum without any issuance from the said Office.

If the judgment is reversed on reconsideration, the aggrieved party shall have fifteen (15) days from receipt of the resolution of reversal to file requirements on appeal under Section __, __ & __ and ten (10) days to file an appeal memorandum to perfect his or her appeal to the OSec.

RULE IV.

APPEAL TO THE OFFICE OF THE SECRETARY

SECTION 8. Subject of Appeal. An appeal may be taken from a judgment by the HOO having jurisdiction over the subject matter to the OSec .

SECTION 9. Judgment not subject of Appeal to the OSec. The following are not subject of Appeal to the OSec:

- 9.1.** Interlocutory Order;
- 9.2.** Clarificatory Orders/Issuances;
- 9.3.** Original Letters/Petitions/Protest that did not go through the initial evaluation process by the OO;
- 9.4.** Decision of HOOs with specific Rules and Procedure on Appeal pursuant to a law;
- 9.5.** Administrative Penalty of Reprimand, suspension for not more than 30 days or fine not exceeding 30 day salary is imposed; or,
- 9.6.** Decisions of Heads of Attached Agencies in administrative cases.

SECTION 10. Grounds for Filing an Appeal. An appeal may be taken on any of the following grounds:

- 10.1.** Cases involving questions of law with regard to ENR cases;
- 10.2.** No substantial evidence to support the judgment, tenurial instrument, or related issuance of the OO;
- 10.3.** Cases involving mixed questions of fact and law with regard to ENR cases;
- 10.4.** Abuse of discretion by the HOO that issued the assailed judgment ; or

1 **10.5.** Judgment of the HOO was secured through fraud, undue influence, and
2 duress.
3

4 **SECTION 11. Appeal, how taken.** An appeal may be taken from a judgment by
5 the HOO, by filing within fifteen (15) days from receipt of the same with the OO , the
6 following:

7 **11.1. Notice of Appeal** with proof of service to the other party, or HOO in
8 administrative cases or non-adversarial ENR cases such as but not
9 limited to administrative confiscation proceedings) (*Form No. 3 _:*
10 *Notice of Appeal attached as Annex "C"*)

11 **11.2. Official Receipt of the Appeal Fee.** Payment of appeal fee in the
12 amount of P1000.00 within the period provided above shall be paid to
13 the OO or as will be prescribed by succeeding administrative order on
14 uniform fees and charges of the Department. Proof of payment in the
15 form of the Official Receipt issued by the Cashier of the OO and shall
16 be attached to the Notice of Appeal.

17 **11.3. Appeal Memorandum.** Without any further order from the OO , an
18 Appeal Memorandum shall be filed by the aggrieved party with the
19 OO within ten (10) days from the filing of the Notice of Appeal and
20 payment of Appeal Fee with proof of service to the other party.
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22 **SECTION 12. Perfection of Appeal.** The 3 requirements stated in the preceding
23 section shall be complied with for the Appeal to be perfected. The failure of the aggrieved
24 party/appellant to comply with any of the requirements above mentioned shall be a
25 ground for the dismissal of the appeal.
26

27 In administrative cases where the penalty imposed is dismissal from the service
28 which requires the confirmation of the Secretary, the appeal shall be automatic without
29 the need to comply with the 3 requirements as stated above.
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31 If appeal is not perfected, the HOO, motu proprio, or on motion by the party shall
32 issue an Order dismissing the Appeal and declaring the assailed decision as final and
33 executory.
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35 No motion for extension of time shall be allowed in perfecting the appeal. (*Form*
36 *No. 4. Perfection of Appeal and Final and Executory Order attached as Annex "D"*)
37

38 **SECTION 13. Exemption from Paying the Appeal Fee.** A party may request for
39 an exemption from the payment of appeal fee with the OO within the period provided in
40 Section 12, Rule III hereof of perfecting an appeal upon execution of an Affidavit of
41 Indigency and the submission of any of the following:
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43 **13.1.** Certification from the Department of Social Welfare and Development
44 (DSWD) that a party is an indigent;

45 **13.2.** Certification from the Integrated Bar of the Philippines Legal Aid
46 Program that it is representing an indigent party; or

47 **13.3.** Certification from the Public Attorney's Office that it is representing an
48 indigent party.

- 1 **13.4.** Barangay Certification of Indigency issued by the Brgy Chairman where
2 the applicant resides.
- 3 **13.5.** Respondent in an administrative case where the penalty imposed is
4 dismissal from service.

5 The HOO or its duly authorized officer shall immediately and motu proprio
6 approve the request for exemption upon showing of any of the aforementioned
7 documents. *(Form No. 5 Approval or Denial as Indigent Litigant attached as Annex "E")*
8

9 **SECTION 14. Appeal Memorandum, Form and Contents.** The appeal
10 memorandum to be filed with the Legal Division, OO to perfect an appeal to the OSec
11 shall be filed in two (2) copies and shall contain the following:
12

- 13 **14.1.** Full name or names, capacity, and address or addresses of the parties;
14 **14.2.** Material dates showing the timeliness of the appeal;
15 **14.3.** Concise statement of facts and matters involved, the issues raised, the
16 specification of errors allegedly committed by the OO, and the reasons
17 or arguments relied upon for the allowance of the appeal;
18 **14.4.** Judgment or part thereof appealed from;
19 **14.5.** Accompanied by a clearly legible duplicate original or a certified true
20 copy of the decision/resolution/order being appealed; and,
21 **14.6.** If represented and signed by counsel, must indicate address, phone and
22 email address, IBP Receipt Number, PTR Number and Roll No, and
23 recent MCLE Compliance.

24
25 In filing the Appeal Memorandum, the Efficient Use of Paper Rule provided in
26 **A.M. No. 11-9-4- of the Supreme Court** shall apply.

27 **SECTION 15. Manner of Filing.** Requirements in Section (4) and (6) of this Rule,
28 shall be filed on any of the following manner:
29

- 30 **15.1.** If **filed personally**, it shall be deemed filed on the date and time
31 stamped received by the **Legal Records Officer, Legal Division** of the
32 OO;
33 **15.2.** If filed by **registered mail**, it shall be deemed filed on the date of mailing
34 stamped by the post OO as evidenced by the registry receipt;
35 **15.3.** If filed through a **private courier service**, it shall be deemed filed on the
36 date and time as actually sent through the service with document
37 tracking attached in the undertaking of service.
38 **15.4.** If filed through e-filing, appeal shall be deemed filed on the date and
39 time of transmittal of the requirements in Section _ and _ of these Rules
40 , together with the E-filing Form No. 6 Motion To File Electronically and
41 attached documents. *(Form No. 6 : E-Filing Form; Motion to File*
42 *Electronically attached as Annex "F")*

Official Email address for the OO where efilng be made shall be provided as notation on the decision, resolution, award issued. Immediately upon receipt of the email, the LRO shall immediately determine and validate compliance to the requirement under the above rules.

For validation and reference, the hard copy of the original documents and extra 1 copy shall be filed within 5 days from date of e-filing in any manner mentioned in subparagraph a, b and c of this section.

In any manner of filing provided above, parties shall include filing the original copies thereof, and 1 extra copy and proof that opposing party/parties has been copy furnished.

To further enhance and provide specific guidelines on the e-filing process, the Knowledge Information System Services, Records Management Division and Legal Affairs Service of the DENR Central Office (LAS-CO) shall develop an e-filing system and guidelines for the purpose of implementing the e-filing provisions of these Rules in accordance with the records management process provided in Republic Act No. **9470** or **the National Archives of the Philippines Act of 2007** and its Implementing Rules and Regulations

When appeal has been perfected and records of the case have been transmitted by the OO to the OSec on appeal, subsequent pleadings, motions and other papers or documents shall be filed in any of the manner provided above with the:

The Director

Legal Affairs Service, DENR Central Office.
Visayas Avenue, Diliman, Quezon City 1100

SECTION 16. Effect of Appeal. The following are the effect of Appeal:

- 16.1. When appeal has been perfected, the OO loses jurisdiction over the case and the execution of the judgment appealed from is stayed.
- 16.2. When the records have been transmitted to the OSec, through the Legal Affairs Service, the Secretary or his/her duly authorized representative may issue *motu proprio* or upon motion by parties a **Status Quo Order** on valid and legal grounds pending resolution of the appeal.
- 16.3. When appeal has been perfected and records of the case have been transmitted by the OO OOt to the OSec on appeal, subsequent pleadings, motions and other papers or documents shall be filed with: the The Director, Legal Affairs Service, DENR Central Office, Visayas Avenue, Diliman, Quezon City 1100

SECTION 17. Residual Jurisdiction of the OO. After the perfection of the appeal but prior to the transmittal of the original records of the case to the O Sec, the OO shall have a residual jurisdiction and may issue the following:

- 17.1. Status Quo Order [1]as defined herein and per motion of the parties for the protection and preservation of the rights of the parties which do not involve any matter litigated in the appeal;

- 1 17.2. With the exception of non-adversarial cases including, but not limited
2 to, administrative cases and administrative confiscation proceedings,
3 Order of Compromise Agreement approving the compromise
4 agreement submitted by the parties after the decision, resolution, order,
5 award, tenorial instrument, or related issuance appealed from was
6 issued and in accordance with existing laws, rules, and regulations, and
7 as defined in these Rules and Procedure; and
- 8 17.3. Order of Withdrawal of the appeal upon proper motion by the
9 appellant.

10
11 **SECTION 18. Transmittal of Records.** Within 30 days from the perfection of the
12 appeal, the OO shall issue an **Order** stating that the Appeal was perfected and transmit
13 to the OSec through the Office of the Director, Legal Affairs Service the following
14 documents.

- 15
16 18.1. Notice of Appeal with proof of service to the other party, or HOO in
17 non-adversarial cases including, but not limited to administrative cases
18 and administrative confiscation proceedings;
- 19 18.2. Official Receipt of the appeal fee as prescribed in these Rules and
20 Procedures or approval as indigent litigant by the head of the OO or its
21 duly authorized officer.
- 22 18.3. Appeal Memorandum with proof of service to the other party, or HOO
23 in non-adversarial cases including, but not limited to administrative
24 cases and administrative confiscation proceedings;
- 25 18.4. Summary of Proceedings from the filing of the initiatory pleading or the
26 equivalent action document before the OO up to the transmittal to the
27 OSec in chronological order indicating the actions taken, incidents
28 resolved, and listing of all pleadings, motions, manifestations, annexes,
29 exhibits, and other papers or documents filed by the contending parties,
30 the corresponding orders, resolutions, and decisions;
- 31 18.5. Complete and clear records of the case with each page consecutively
32 numbered, eartagged, and initialed by the legal records officer;
- 33 18.6. Certificate of correctness and completeness of records being transmitted
34 noted by the Chief of the Legal Division of the OO; and
- 35 18.7. Confirmation of e-filing, if applicable. (*Form No. 7: Order of Perfection*
36 *and Transmittal Form attached as Annex "G"*)

37
38 **SECTION 19. Action on Appeal.**

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40 19.1. **Office of Origin.** Upon perfection of the appeal, the OO shall issue the
41 aforementioned Order in the preceding section and transmit the records
42 of the case as provided in the preceding section above.
- 43
44 19.2. **OSec through the Legal Affairs Service, DENR Central Office (LAS-**
45 **CO).** Upon receipt of the complete original records of the case
46 transmitted by the OO , to the OSec , through the Director for LAS-CO

1 or duly authorized officer, shall issue an Interlocutory Order within
2 fifteen (15) days from receipt thereof, directing the following:
3

4 **19.2.1.** Appellee to file appellee’s memorandum within fifteen (15)
5 days from receipt of the order. Failure to file an appellee’s
6 memorandum shall be deemed a waiver thereof and the case
7 shall be deemed submitted for resolution.

8 **19.2.2.** The appellee’s memorandum shall (a) point out insufficiencies
9 or inaccuracies in appellant’s statement of facts and issues and
10 (b) state the reasons why the appeal should be denied or
11 dismissed. A copy shall be served on the appellant and the OO
12 concerned, with proof of service. Matters not raised in the
13 Appellee’s Memorandum shall be deemed waived. (*Omnibus*
14 *Motion Rule*)

15 Pursuant to the Omnibus Motion Rule, grounds for Motion to
16 Dismiss shall be included in the Appellee’s Memorandum. No
17 separate Motion to Dismiss shall be entertained.

18 A motion for extension of time to file pleadings, or any other
19 paper shall not be allowed.

20 **19.2.3.** With the exception of non-adversarial cases including, but not
21 limited to administrative cases and administrative confiscation
22 proceedings, inform parties regarding the options to submit
23 their case to Alternative Dispute Resolution (ADR) mechanism
24 of the DENR and to submit a proposal for compromise
25 agreement within ten (10) days from receipt of the order. If
26 parties opt to undergo the ADR process, the provisions of
27 DENR Administrative Order No. 2016-30 dated 22 December
28 2016 and relevant issuance shall apply.
29

30 **19.3.** Upon compliance of the parties with the order, the case shall be raffled
31 by the Office of the Director, LAS using the Internal Raffling System of
32 the Service.
33

34 **19.4. Clarificatory Investigation and Conference.** Upon the filing of the
35 parties of their respective appeal memoranda and other pleadings and
36 before the case is deemed **submitted for resolution**, the Secretary,
37 through his/her duly authorized officer, may motu proprio or upon
38 proper motion by any party, direct the conduct of a clarificatory
39 investigation and call upon the parties for a clarificatory conference to
40 take up matters for the judicious resolution of the appealed case Within
41 thirty (30) days after the termination of the investigation, an internal
42 investigation report shall be submitted to the Secretary, through the
43 Office of the Director for Legal Affairs Service, to assist the Secretary in
44 resolving the case. The investigation report shall be treated with
45 confidentiality and shall only be for the guidance of the reviewing
46 authority or the Secretary in relation to the resolution of the case.
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19.5. Alternative Dispute Resolution (ADR). Pursuant to Republic Act 9285 or the ADR Act of 2004 and related issuance in the Department to provide access to parties with alternative means of settling their dispute, ADR may be provided for cases on appeal to the Secretary pursuant to the provisions of DAO 2016-30 and related issuances.

ADR service may be provided during the conduct of Clarificatory Investigation, subject to the consent of the parties or when parties will submit proposals for compromise agreement in compliance with the interlocutory order issued by the Director, LAS.

When parties were able to settle their dispute during the ADR process through a facilitated negotiation of their offers by an ADR Officer (ADRO), if any and/or during the Clarificatory Investigation, the Secretary or his/her authorized representative shall issue an Order of Compromise Agreement (OCA) approving the agreement of the parties after ensuring that the stipulations, clauses, terms, and conditions contracted by parties are not contrary to law, morals, good customs, public order, or public policy.

The OCA shall have the full force and effect of a decision and shall be immediately final and executory.

19.6. Submission for Resolution. The case or matter on appeal shall be deemed ripe for resolution upon the filing of the appellee’s memoranda, termination of the clarificatory investigation and/or ADR proceedings, if any, as provided under Sections 13 and 14 of this Rule unless the OSec directs otherwise.

19.7. Issuance of Decision. In the issuance of Decision by the OO and the OSec , the Efficient Use of Paper Rule provided **A.M. No. 11-9-4- of the Supreme Court shall apply**

RULE V. AUXILIARY RULES

SECTION 20. Completeness of Service. The issuances by the OO or the OSec to parties are deemed served in any of the following circumstance:

20.1 Personal service is complete upon actual delivery;

20.2 Service by registered mail is complete upon actual receipt by the addressee, or after ten (10) days from the date the first notice of the postmaster has been served, whichever date is earlier;

20.3 Service by courier service is complete upon actual receipt by the parties pursuant to the returned tracking document;

1 20.4 A party, in order to ensure timely service receipt of the issuance of the
2 concerned office, may opt to file a motion to receive issuance via
3 electronic means. The date of receipt by the party shall be the date of
4 transmittal by said office. Hard copy of the issuance for the party shall
5 then be mailed within five days via ordinary mail or courier service.

6 **SECTION 21. Presumptive Receipt of Issuance by the Office.** If notices, orders,
7 decisions or resolutions issued by the concerned office have been mailed through
8 registered mail, as appearing on record, a party is deemed duly served after [2]90 days[3]
9 from date of mailing.

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11 In any manner of service as provided in the preceding sections, the Legal Records
12 Officer (LARO) at LAS or Legal Division, Regional Office shall issue a Certification motu-
13 proprio or on motion by the parties on the mailing and non-receipt of compliance, motion
14 or appeal.

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16 To implement the Presumptive Receipt Rule, the DENR LAS-CO and the RMD-
17 CO, shall craft the guidelines for purposes hereof and to improve the efficiency and
18 effectiveness in legal records management. [4]

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20 **SECTION 22. Docketing of Case on Appeal.** Upon receipt of the requirements
21 enumerated in *Section 11 of Rule 4* and issuance of the interlocutory order, the designated
22 LARO or duly designated personnel at the regional office shall be responsible in legal
23 records management including the docketing of the case and appropriate process to
24 support the final execution of the issued judgments. The LAS-CO together with the
25 RMD-CO shall include in the guidelines specific management of the legal recording
26 process at the OO and the OSec.

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28 **SECTION 23. Recording and Monitoring System of Cases on Appeal.** To support
29 the implementation and execution of judgments issued by the Secretary or HOO, the
30 LAS-CO and RMD-CO shall also include in the guidelines to be crafted, a Legal
31 Recording and Monitoring System that will be applicable in the OO and appeals to the
32 OSec.

33
34 **SECTION 24. Duties and Responsibilities of the RMD/Legal Records Officer.**
35 The LARO or designated RMD Officer shall primarily be responsible for assisting the
36 management of legal records in the proper storage, transmission, preservation and
37 disposal of records. He or she shall abide by the duties and responsibilities as mentioned
38 in these rules and related laws, rules and regulations in records management.

39
40 The duties and responsibilities in the legal records management shall be included
41 in the guidelines that will be crafted by the DENR LAS and the RMD to include among
42 others effective legal records management systems.

43
44 **SECTION 25. Death of party or counsel.** In case of death of any of the parties, a
45 motion for substitution of party, with attached Certificate of Death, shall be filed by the
46 heirs, authorized representative, or counsel of record before the OO or OSec where the
47 case is pending for resolution, within thirty (30) days after such death. Failure of counsel
48 to comply with this duty shall be a ground for disciplinary action.

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50 In case of death of the counsel of record, parties concerned shall inform the
51 concerned office within the same period.
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RULE VI.
ISSUANCE, FINALITY AND EXECUTION OF DECISION

SECTION 25. Motion for Reconsideration. When no motion for reconsideration is filed within the period prescribed above or after the lapse of the period stated on Presumptive Receipt Rule above, the motion is deemed submitted for resolution.

SECTION 26. Finality of Decision of the Secretary. The decision of the Secretary or his/her duly authorized representative shall become final and executory after the lapse of the reglementary period for filing a motion for reconsideration or appeal to the higher office or tribunal and no such motion or appeal has been filed.

In such a case, the LARO applying the presumptive receipt rule under Section ___ of the and using the Recording and Monitoring System to be adopted shall motu proprio issue a Certification of No Motion for Reconsideration or Appeal within 7 days from presumptive determination. (*Form No. 8 Certification of No Motion for Reconsideration or Appeal attached as Annex "H"*)

SECTION 27. Entry of Judgment/Endorsement to Office of Origin. The Certification of No Motion for Reconsideration or Appeal shall serve as the actionable document for the Director of the Legal Affairs Service to issue an Entry of Judgment/Endorsement to the OO for the execution of the Decision/Resolution/Order or Award within 15 days from receipt of the certification.

The Entry of Judgment/Endorsement shall include the transmittal of the complete records of the case from the OO for execution. (*Form No. 9: Entry of Judgment/Endorsement to OO attached as Annex "I"*)

SECTION 28. Transmittal and Execution upon Final Decision, Resolution, Order, or Award. Upon the issuance of the Entry of Judgment/Endorsement, the LARO/RMD of DENR CO shall transmit the complete original records of the case to the OO OOfor execution within 30 days from issuance of entry. (*Form No. 10_ Transmittal of Records of the Case and Indorsement of Entry of Judgment to the OO attached as Annex "J"*)

SECTION 29. Execution by the Office of Origin. Within fifteen (15) days from receipt of Entry of Judgment/Indorsement together with the records of the case, the HOO shall issue an Order of Execution with Writ of Execution directing designated officers to execute said decision, resolution, order, award or related issuance. (*Form No. _ Order of Execution with Writ of Execution attached as Annex "K"*)

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RULE VII
FINAL PROVISIONS

SECTION 30. Applicability of the Rules of Court or the Civil Service Commission's Rules on Administrative Cases in the Civil Service. In all matters not provided in these rules, the Rules of Court or the RACCS, as the case may be, shall apply in a suppletory character, or by analogy whenever practicable and convenient.

SECTION 31. Repealing Clause. All orders, circulars, memoranda, and other issuances inconsistent herewith are hereby repealed or modified accordingly.

SECTION 32. Separability Clause. If for any reason, any section or provision of this Administrative Order is declared null and void, no other section, provision, or part thereof shall be affected and the same shall remain in full force and effect.

SECTION 33. Effectivity Clause. This Administrative Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and upon acknowledgment of receipt of a copy hereof by the Office of the National Administrative Register.

Maria Antonia Yulo-Loyzaga
Secretary