MEMORANDUM CIRCULAR NO. 68  
Series of 1991

TO: All Concerned

Pursuant to the Administrative Code of 1987 requiring government agencies authorized to issue rules and regulations to inform the U. P. Law Center of the date of effectiveness and the date of publication of each rule in a newspaper of general circulation and to file the same with the Center, the following internal guidelines shall govern compliance thereof:

a. The Office, Branch or Division from which each office issuance originates shall provide the Central Records Division with a copy of such circular/issuance covered by the Administrative Code.

b. The concerned Office, Branch or Division shall prepare the official endorsement to the U. P. Law Center.

c. The Central Records Division shall submit/file the said endorsement of office issuances to the U. P. Law Center.

d. In cases where there is a need for clarification of certain provision of the office issuance, a representative from the concerned Office, Branch or Division shall represent the Administration for such clarification.

This memorandum shall take effect immediately.

[Signature]

JOSE N. SARMIENTO  
Administrator

02 December 1991.
CRD
Guidelines for Receiving and Publication of Rules and Regulations Filed with the U.P. Law Center

The following guidelines shall govern the performance of the U.P. Law Center function with respect to the filing by all government agencies of rules and regulations adopted by them, and their publication in a quarterly bulletin, pursuant to the Administrative Code of 1987 (B.O. 292, July 25, 1997).

1. Agency required to file includes any department, bureau, office, commission, authority, or offices of the National Government authorized by law or executive order, to make rules, issue licenses, grant rights or privileges, and adjudicate cases; research institutions with respect to licensing functions, government corporations with respect to functions regulating private right, privilege, occupation or business; and officials in the exercise of disciplinary power as provided by law.

Excepted from the foregoing, are the Congress, the Judiciary, the Constitutional Commissions, military establishments in all matters relating exclusively to armed forces personnel, the Board of Pardons and Parole, and State Universities and Colleges. However, if these offices voluntarily file their regulations with the U.P. Law Center, complying with the requirements of proper certification and number of copies, the filed regulations can be part of the quarterly bulletin to be published by the U.P. Law Center as required under the law.

2. All rules and regulations adopted after the effectivity of the Administrative Code of 1987, which is on November 23, 1989, must be filed with the U.P. Law Center by either the adopting agency or the implementing agency of the Executive Department authorized to issue rules and regulations, and said rules and regulations shall be effective, in addition to other rule-making requirements by law not inconsistent with the provisions of this Code, fifteen days from date of their filing with the U.P. Law Center unless a different date is fixed by law, or specified in the rule in cases of imminent danger to public health, safety, and welfare, the existence of which must be expressed in a statement accompanying the rule. The agency shall take appropriate measures to make emergency rules known to persons who may be affected by them.

The agency should be advised to inform the U.P. Law Center of the date of effectivity of each rule and when publication in a newspaper is required, to furnish the date/dates of the newspapers where published. In such a case the counting should be reckoned with the last date of publication.
3. Those rules and regulations already existing and effective on or before November 23, 1989 must be filed with the U.P. Law Center within three months from November 23, 1989, that is on or before February 21, 1990, otherwise the sanctions provided in said regulations will not be enforceable against any party or persons.

4. The said regulations mentioned under the preceding paragraph providing for sanctions, not filed on or before February 21, 1990, are nevertheless effective except for the enforceability of their sanctions.

5. Rules and regulations adopted after November 23, 1989 shall be considered duly filed if three (3) properly certified copies thereof are submitted. A regulation is deemed properly certified by the records officer or his equivalent functionary, if it appears that the original from which a copy is being certified is signed by the adopting official or officials and that it bears the date of adoption.

6. Rules and regulations adopted before November 23, 1989, with or without sanctions, filed on or before February 21, 1990 shall likewise be considered duly filed if three (3) properly certified copies thereof are submitted.

7. All rules and regulations mentioned under the preceding paragraph, filed after February 21, 1990, although three (3) certified copies thereof were filed with the U.P. Law Center shall not be considered duly filed since they were filed beyond the period mandated by law.

8. Rules and regulations to be filed with the U.P. Law Center shall, among others, include but not be limited to, the following:

   a) Statements of general applicability which implement or interpret a law;

   b) Statements of general applicability which fix and describe the procedure in, or practice requirements of, an agency;

   c) Amendments or repeal of any prior rule;

   d) Regulations affecting private rights, privileges, occupation, or business;

   e) Administrative disciplinary action and the governing rules of procedure.
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   b) Statements of general applicability which fix and describe the procedure in, or practice requirements of, any agency;

   c) Amendments or repeal of any prior rule;

   d) Regulations, affecting private rights, privilege, occupation, or business;

   e) Administrative disciplinary action and the governing rules of procedure.
9. Rules and regulations which need not be filed with the U.P. Law Center, shall, among others, include but not be limited to, the following:

   a) Those which are interpretative regulations and those merely internal in nature, that is, regulating only the personnel of the administrative agency and not the public;

   b) Instructions on the case studies made in petitions for adoption;

   c) Rules laid down by the head of a government agency on the assignments or workload of his personnel or the wearing of uniforms;

   d) Rules and regulations affecting only a particular or specific sector and circularized to them;

   e) Instructions by administrative supervisors concerning the rules or guidelines to be followed by their subordinates in the performance of their duties;

   f) Memoranda or statements concerning the internal administration or management of an agency not affecting the rights of, or procedure available to, the public;

   g) Memoranda or circulars merely disseminating any law, executive order, proclamation and issuances of other government agencies.

10. In the publication of the quarterly bulletin (National Administrative Register) setting forth the text of rules duly filed with it during the preceding quarter and in the keeping of an up-to-date codification of such published rules and remaining in effect, together with a complete index and appropriate tables, any rule if its publication would be unduly cumbersome, expensive or otherwise inexpedient may be omitted from the bulletin or the codification but the bulletin shall contain a notice stating the general subject matter of the omitted rule and how copies thereof may be obtained.

11. Every rule establishing an offense or defining an act which pursuant to law is punishable as a crime or subject to a penalty shall in all cases be published in full text.
TO: ALL CONCERNED

Pursuant to the Administrative Code of 1987 which took effect on March 24, 1989 and Memorandum Circular No. 68, Series of 1991, the following additional guidelines shall be observed:

1. The Information and Education Division (IED) of the Planning Branch shall take charge of every office issuance when publication in a newspaper of general circulation is required.

2. The office from which the office issuance originates shall accomplish and submit to IED a request for publication form (annex A).

3. The Central Records Division (CRD) shall be provided a copy of the request for publication form (RFF).

4. Likewise, CRD shall provide IED a copy of the office issuance.

This memorandum shall take effect immediately.

FELICISIMO O. JOSON
Administrator

April 01, 1993
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