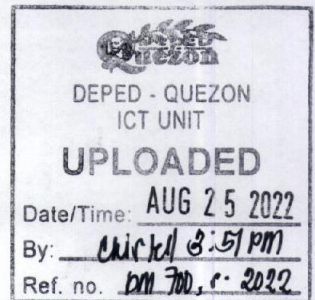




Republic of the Philippines
Department of Education
Region IV-A
SCHOOLS DIVISION OF QUEZON PROVINCE



24 August 2022

DIVISION MEMORANDUM
DM No. 700, s. 2022

**CIVIL SERVICE RESOLUTION RE: REQUEST FOR OPINION ON THE REAPPOINTMENT
(RENEWAL) OF PROVISIONAL APPOINTMENTS OF
SENIOR HIGH SCHOOL TEACHERS**

TO: Assistant Schools Division Superintendents
Chief, Curriculum Implementation Division
Chief, Schools Governance and Operation Division
Education Program Supervisors
Education Program Specialists
Senior Education Program Supervisor
Division Section/Unit Heads
Public Schools District Supervisors
Elementary, JHS and SHS Heads
All Other Concerned

1. In reference to the **CSC Resolution No. 2200353 promulgated on August 18, 2022**, re: Request for Opinion on the Reappointment (Renewal) of Provisional Appointments of Senior High School Teachers, the Civil Service Commission rules that the extension of the reappointment (renewal) of the provisional appointments of DepEd SHS teachers first hired in SY 2016-2017 and SY 2017-2018 for SY 2022-2023, **may be** allowed subject to the following conditions as stated in the CSC resolution.
 - a. Proof that the affected provisional teachers have taken the LEPT at least once in the last five (5) years;
 - b. Absence of available qualified LEPT eligible applicants in the DepEd Registry of Qualified Applicants (RQA) or lack of interest to accept an appointment by those in the RQA, as certified by the Schools Division Superintendent;
 - c. Termination of provisional appointments when qualified LEPT eligible applicants become available and willing to accept the appointments; and
 - d. The affected teaching positions shall be published and posted every six (6) months to invite qualified LEPT eligible applicants who shall undergo the selection process.

DEPEDQUEZON-TM-SDS-04-009-003



"Creating Possibilities, Inspiring Innovations"

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Website: www.depedquezon.com.ph



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SCHOOLS DIVISION OF QUEZON PROVINCE

2. All Provisional teachers first hired in S.Y. 2016-2017 and S.Y. 2017-2018 must present any proof to the school heads that he/she has taken the Licensure Examination for Professional Teachers (LEPT) at least once in the last five years.
3. All school heads with affected provisional teachers are also advised to issue a certificate, if no qualified eligible applicant accepts their school assignment based on the recent issuance of Registry of Qualified Applicant (RQA) S.Y. 2022-2023, supported by waivers or proof the applicants in the RQA have been contacted for validation by the Personnel-in-Charge in the Division Office, subject for the approval of the Schools Division Superintendent.
4. If proven that there is no available qualified applicants, the school head will now advise the provisional teacher to prepare the pertinent documents for renewal (reappointment) of appointment containing the documents stated in Item No. 2 and No. 3 of this memorandum subject to termination when a qualified LEPT eligible applicants becomes available and willing to accept the appointment.
5. Immediate dissemination of this Memorandum is desired.

ELIAS A. ALICAYA JR., EdD
Assistant Schools Division Superintendent
Officer-in-Charge
Office of the Schools Division Superintendent

peratma08/24/2022

DEPEDQUEZON-TM-SDS-04-009-003



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DEPARTMENT OF EDUCATION

Re: Request for Opinion on the
Reappointment (Renewal) of Provisional
Appointments of Senior High School Teachers

X-----X

NOTICE OF RESOLUTION

Sir/Madam:

The Commission promulgated on **18 August 2022 Resolution No. 2200353** on the above-cited case, copy attached. Its original is on file with this Commission.

18 August 2022.

Very truly yours,

KATHERINE LIMARE-DELMORO

Director IV

Commission Secretariat and Liaison Office

Copy furnished:

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Bawat Kawani, Lingkod Bayani



DEPARTMENT OF EDUCATION

Re: Request for Opinion on the
Reappointment (Renewal) of Provisional
Appointments of Senior High School Teachers

Number: 2200353

Promulgated: 18 August 2022

X-----X

RESOLUTION

The Department of Education (DepEd)¹ requests the Civil Service Commission (CSC) to render an opinion on the reappointment (renewal) of provisional appointments of Senior High School (SHS) teachers, whose appointments are expiring by the end of school year (SY) 2021-2022 and onwards.

The DepEd represents as follows:

"Pursuant to Sec. 8(a) of the Republic Act (RA) No. 10533 or the Enhanced Basic Education Act of 2013 on the appointment of Senior High School (SHS) teachers under provisional status, the Department of Education (DepEd) has been hiring non-licensed teachers since 2016; provided that they pass the Licensure Examination for Professional Teachers (LEPT) within five (5) years after the date of their first hiring. The said teachers are granted provisional appointments in accordance with the conditions set under 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 July 2018.

"However, because of the ongoing pandemic, there have been postponements in the administration of LEPT since March 2020, which have raised concerns with regards to the underlying conditions on the employment of SHS provisional teachers. These unfortunate circumstances have taken away opportunities from these SHS provisional teachers to acquire the required eligibility within the period prescribed by law. In view of this, the CSC granted the appeal of DepEd for the reappointment (or renewal) for another school year (SY 2021-2022) of SHS provisional teachers who were first hired in SY 2016-2017 and whose five (5)-year allowable period to pass the LEPT was

¹ In a letter by DepEd OIC Undersecretary Wilfredo E. Cabral, Office of the Undersecretary for Human Resource and Organizational Development dated 30 May 2022.

Bawat Kawani, Lingkod Bayani

supposed to lapse by the end of SY 2020-2021; provided they take and pass the LEPT before the end of SY 2021-2022 through CSC Resolution No. 2100451 promulgated last June 15, 2021.

"Consequently, the Department issued the DepEd Order (DO) No. 34, s. 2021 or the 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 provide guidance to Human Resource Management Officers (HRMOs), Appointing Officers/Authorities, teaching personnel, and other stakeholders in the implementation of the CSC Resolution No. 2100451 in SY 2021-2022.

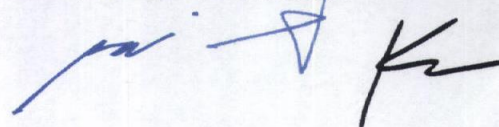
"In congruence with the extension granted by CSC to the SHS provisional teachers, DepEd also appealed to the Professional Regulation Commission (PRC) to accommodate the 1,170 affected SHS in the LEPT schedules in order to provide them an opportunity to take and pass the LEPT within SY 2021-2022 and be able to comply with the conditions set by CSC. In response, PRC granted DepEd's request, allowing the Online Application System (OAS) to accommodate the 1,170 SHS teachers who were included in the DepEd's appeal. However, retakers were restricted from applying for LEPT due to the existing large volume of examinees. This has barred the other cohort of provisional teachers, specifically those first hired in SY 2017-2018 onwards; thereby denying them the opportunity to acquire the eligibility within their five (5)-year allowable period.

"Further, despite the PRC's Resolution to accommodate the 1,170 SHS provisional teachers, there have been postponements of the actual test administration, particularly those scheduled in NCR, Lucena, Romblon, and Butuan; preventing some of the provisional teachers to comply with the CSC condition to pass the LEPT within SY 2021-2022.

"In light of the foregoing, **this Department has been receiving an influx of requests for the extension of provisional appointments, particularly from affected SHS teachers who were first hired in SYs 2016-2017 and 2017-2018 and whose appointments are about to expire by the end of this SY 2021- 2022.** With the authority and jurisdiction of CSC to act on appointments, DepEd would like to seek your opinion and guidance on the next action steps of this Department in relation to the extension of appointments of the affected SHS provisional teachers in the coming SY 2022-2023:

1. SHS provisional teachers who were first hired in SY 2016-2017 are appealing again for another extension of their provisional appointments granted by virtue of CSC Resolution No. 2100451 dated June 15, 2021. Appeals and requests of these affected provisional teachers

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were grounded in the continued postponement of LEPT administration in identified testing locations; and

2. SHS provisional teachers who were first hired in SY 2017-2018 and whose appointments are about to expire by the end of SY 2021-2022 have been raising concerns and appeals to extend their five (5)-year allowable period and be granted with the same conditions stipulated in CSC Resolution No. 2100451. Said requests are founded on the unforeseen circumstances that are beyond the control of the SHS teachers such as the continued postponement of LEPT schedules as well as the non-prioritization for retakers in the LEPT administration.

*“Furthermore, DepEd would also like to seek opinion on the **continuity and effectivity of extending the provisional appointments of SHS teachers who were first hired in SY 2018-2019 onwards**, in anticipation of the expiration of their five (5) year allowance period and in case of the recurring pandemic situation and the uncertain and limited administration of LEPT in the coming school years. xxx*

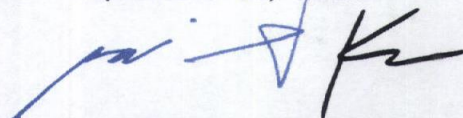
“In the past years, the appointment of the provisional teachers has contributed significantly to the continuation of the learning delivery in SHS, especially in the introduction and implementation of the Basic Education Learning Continuity Plan (BE-LCP) during the time of the COVID-19 pandemic. In this current school year, the Department has granted more than 5,000 active provisional appointments nationwide. We intend to continue their engagement with DepEd under allowable conditions as may be provided by law and the Commission, giving them reasonable accommodation as we commit to look after our teachers’ welfare while recognizing their role in ensuring uninterrupted delivery of basic education services, especially during this pandemic.”

The CSC, through the Human Resource Policies and Standards Office (HRPSO), sought comments on the foregoing from the Professional Regulation Commission (PRC) in a letter dated 15 June 2022 addressed to Ms. Rosita L. Navarro, Chairperson of the Professional Regulatory Board (PRB) for Professional Teachers.

Atty. Arnel G. Ramon, Director IV of the Licensure Office, PRC, responded on behalf of Chairperson Navarro through a letter dated 10 August 2022. Pertinent portions of his letter reads:

“In August 2021, the Commission has approved DepEd’s request to reopen the Online Application System (OAS) for the Licensure Examination for Professional Teachers (LEPT). This was done to accommodate the 1,170 SHS provisional teachers who were unable to register in for the scheduled LEPT on September 26, 2021.

Kel



However, due to a change in the quarantine status in various locations some regions were unable to administer the LEPT in September 2021. Thus, those affected examinees had been included in the January, March and June 2022 LEPT, instead.

"To accommodate the remaining SHS provisional teachers who failed to take the previous LEPT, the Licensure Office has drafted a resolution to grant the request of DepEd for the SHS provisional teachers who wish to apply for the September 2022 LEPT. The reopening of OAS will occur once the Commission approves the resolution."

Moreover, the CSC through the HRPSO requested data from the DepEd on the number of affected SHS provisional teachers grouped in tabular form per region with data on the school year when they were first hired and the date of expiry of their provisional appointments.

In compliance thereto, the DepEd, in its letter dated 21 July 2022, provided the requested data (Annex A) along with a marginal note. Pertinent portions of DepEd's letter reads:

"In response to your letter, we hereby provide to the Commission the herein data on the affected SHS provisional teachers disaggregated by region and by school year.

*"The regional summary of SHS provisional teachers provides a **total number of 28,945 affected SHS Teachers under provisional appointments who were hired since SY 2016-2017.** xxx*

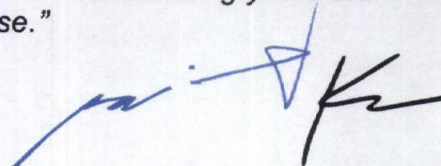
*"Please note that the regional summary contains **only** the total number of SHS provisional teachers who were first hired in their respective school year. Considering the urgency of our request in relation to upcoming opening of classes where time limitation is inevitable in gathering the data, this Office would like to relate certain limitations of the regional summary, as follow:*

"a. Data only show the original or first appointment as provisional teacher. SHS provisional teachers' reappointment (or renewal) in the succeeding years are not recorded;

"b. SHS provisional teachers who were able to take and pass the LEPT and who were already appointed as permanent upon passing the LEPT are not accounted for and therefore not yet removed from this database; and

"c. SHS provisional teachers who were terminated and/or no longer reappointed (or renewed) in the succeeding years are not yet removed from this database."

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The issues to be resolved in the herein request of DepEd are as follows:

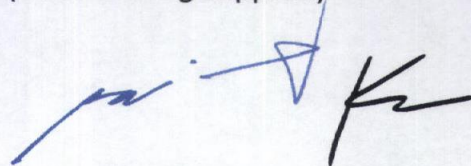
1. Whether the provisional appointments of SHS teachers initially hired in SY 2016-2017, which were renewed until SY 2021-2022 pursuant to CSC Resolution No. 2100451 promulgated on 15 June 2021, can be renewed for another year due to the continued postponement of LEPT administration in identified testing locations and non-prioritization for retakers in the administration of the September 2022 LEPT;
2. Whether the provisional appointments of SHS teachers initially hired in SY 2017-2018 and whose appointments are about to expire by the end of SY 2021-2022 can likewise be allowed another year of extension of their provisional appointments under the same conditions set by the CSC due to the same reasons as stated above; and
3. Whether the continuity and effectivity of extending the provisional appointments of SHS teachers, who were first hired in SY 2018-2019 onwards, may be allowed in anticipation of the expiration of their five (5) year allowable period and in case of the continuing pandemic situation and the uncertain and limited administration of LEPT in the coming school years.

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

"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: ..." (Underscoring supplied)

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Based on RA No. 10533, graduates of degree courses with shortages in qualified LET applicants may be hired or appointed to teach in public schools on the condition that they pass the LET (now LEPT) within five (5) years from the date of their initial hiring or appointment.

Further, **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).”

From the foregoing provision, it can be inferred that there are 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.

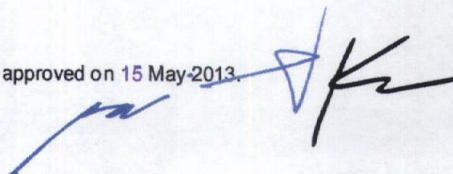
Thus, the lack of interest of a qualified RA No. 1080 (Teacher) eligible actually available for appointment is sufficient ground to reappoint (renew) the appointment of a provisional teacher who is willing to teach.

It is worthy to note that upon the request of the DepEd, the CSC, through Resolution No. 1801278 dated 20 November 2018, approved the automatic reappointment (renewal) of provisional appointments issued to SHS teachers for the succeeding four (4) years after the issuance of the first provisional appointment. In such cases, the DepEd issues reappointment (renewal) to the provisional teacher without the required publication and posting, and the assessment/evaluation of the Human Resource Merit Selection Board.

Moreover, in 2021 the CSC, through **CSC Resolution No. 2100451 dated 15 June 2021**, granted the request of the DepEd for the reappointment (renewal) of the provisional appointments issued to SHS teachers first hired in SY 2016-2017 for SY

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

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2021-2022, in light of the postponement of the administration of the LEPT during the pandemic, subject to the following conditions:

- The affected provisional teachers could show proof that they have taken the LEPT at least once in the last five (5) years;
- There are no available qualified LEPT eligible applicants in the DepEd Registry of Qualified Applicants (RQA), as certified by the Schools Division Superintendent;
- The provisional appointments may be terminated when qualified LEPT eligible applicants become available and willing to accept the appointments; and
- The affected teaching positions shall be published and posted every six (6) months to invite qualified LEPT eligible applicants who shall undergo the selection process.

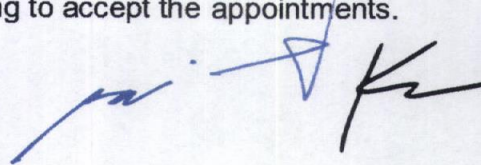
Considering these same circumstances persist up to the present, *i.e.* postponement of PRC scheduled examinations for LEPT and existence of qualified LEPT eligible applicants in the RQA, the CSC is inclined to favor the extension of the reappointment (renewal) of the affected SHS teachers, initially hired in SY 2016-2017 and SY 2017-2018, subject to their compliance with the above-cited conditions.

With regard to the SHS teachers first hired under provisional status in SY 2018-2019 onwards, their appointments may be automatically renewed within the succeeding 4 years pursuant to CSC Resolution No. 1801278 dated 20 November 2018. Thereafter, the extension of the reappointment (renewal) of their appointments may be allowed provided the CSC determines that the same factual circumstances exist at the time such provisional appointments are about to expire.

WHEREFORE, the CSC **RULES** that the extension of the reappointment (renewal) of the provisional appointments of DepEd SHS teachers first hired in SY 2016-2017 and SY 2017-2018 for SY 2022-2023, may be allowed subject to the following conditions:

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

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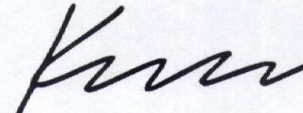
- The affected teaching positions shall be published and posted every six (6) months to invite qualified LEPT eligible applicants who shall undergo the selection process.

The CSC **RESOLVES** to **CLARIFY** that the provisional appointments of SHS teachers may be automatically renewed within the succeeding 4 years from date of first hiring pursuant to CSC Resolution No. 1801278 dated 20 November 2018. Thereafter, the extension of the reappointment (renewal) of their appointments may be allowed provided the CSC determines that the same factual circumstances exist at the time such provisional appointments are about to expire.

Copies of this Resolution shall be furnished the CSC Regional and Field Offices for their information and guidance in the attestation of appointments subject of this request.

This Resolution shall take effect immediately.

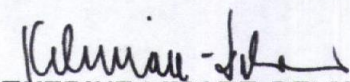
Quezon City.


ATTY. KARLO A. B. NOGRALES
Chairperson


ATTY. AILEEN LOURDES A. LIZADA
Commissioner


ATTY. RYAN ALVIN R. ACOSTA
Commissioner

Attested by:


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Director IV
Commission Secretariat and Liaison Office