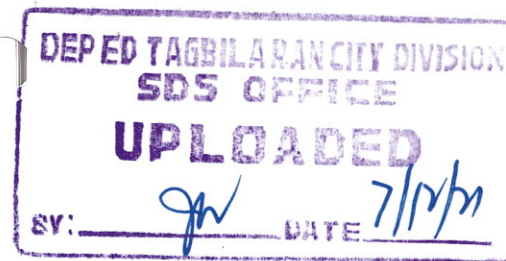




Republic of the Philippines
Department of Education
REGION VII – CENTRAL VISAYAS
DIVISION OF CITY SCHOOLS – TAGBILARAN CITY



**Office of the Schools Division
Superintendent**

July 9, 2021

DIVISION MEMORANDUM
No. 256, s. 2021

**NOTICE OF RESOLUTION ON THE REQUEST FOR REAPPOINTMENT (RENEWAL) OF
PROVISIONAL APPOINTMENTS OF SHS TEACHERS FIRST HIRED IN SY 2016-2017**

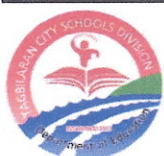
To: Education Program Supervisors
Senior High School Principal
Secondary School Principals
Provisional SHS Teachers First Hired in SY 2016-2017
All Others Concerned

1. Pursuant to CSC Notice of Resolution Re: **REQUEST FOR REAPPOINTMENT (RENEWAL) OF PROVISIONAL APPOINTMENTS OF SHS TEACHERS FIRST HIRED IN SY 2016-2017**, as per Resolution No. 2100451 dated 15 June 2021, this Office hereby disseminates the granting of the Civil Service Commission to 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 Licensure Examination for Teachers (LET) in the year 2020, subject to the following conditions:

- a. Proof that the affected provisional teachers have taken the LET at least once in the last five (5) years;
 - b. Absence of available qualified LET eligible applicants in the DepEd Registry of Qualified Applicants (RQA), as certified by the Schools Division Superintendent;
 - c. Termination of provisional appointments when qualified LET eligible applicants become available and willing to accept the appointments.
2. For details, kindly refer to the attached CSC Notice of Resolution.
3. Immediate dissemination of this Memorandum is desired.

JOSEPH IRWIN A. LAGURA PhD
Schools Division Superintendent

JIAL/CPC/PERSONNEL/JPC/jro



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Department of Education

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

X-----X

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,

KATHERINE LIMARE-DELMORO

Acting Director IV

Commission Secretariat and Liaison Office

Copy furnished:

Secretary Leonor M. Briones

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CSLO/SSD/APS
/dang

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

X ----- X

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 'K. L.' or similar.

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.

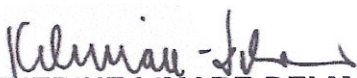
Quezon City.

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