

# [ ADMINISTRATIVE ORDER NO. 22, October 11, 2011 ]

## **PRESCRIBING RULES AND REGULATIONS GOVERNING APPEALS TO THE OFFICE OF THE PRESIDENT OF THE PHILIPPINES**

**WHEREAS**, Administrative Order (AO) No. 18 (s. 1987) was promulgated to govern appeals to the Office of the President;

**WHEREAS**, in view of the lapse of time and experience gained from the past, some of the provisions of AO No. 18, as amended, need revision to address issues that have arisen and to update the rules to meet the requirements of existing policies and laws, without, however, diminishing the right of the President to refuse to give due course to appeals or petitions for review in cases where there is no express provision of law recognizing the right of the parties to appeal to the Office of the President;

**NOW, THEREFORE, I, BENIGNO S. AQUINO III**, President of the Philippines, by virtue of the powers vested in me by law, do hereby promulgate the following rules and regulations to govern appeals to or petitions for review filed with the Office of the President, as follows:

**SECTION 1. Period to appeal.** Unless otherwise provided by special law, an appeal to the Office of the President shall be taken within fifteen (15) days from notice of the aggrieved party of the decision/resolution/order appealed from, or of the denial, in part or in whole, of a motion for reconsideration duly filed in accordance with the governing law of the department or agency concerned.

**SECTION 2. Appeal, how taken.** The appeal shall be taken by filing a Notice of Appeal with the Office of the President, with proof of service of a copy thereof to the department or agency concerned and the affected parties, and payment of the appeal fee.

**SECTION 3. Appeal fee.** The appellant shall pay to the Office of the President the appeal fee of Php1,500.00 within the same period for filing a Notice of Appeal under Section 1 hereof. For appeals of deportation orders of the Bureau of Immigration, the appeal fee is Php10,000.00. Pauper litigants, duly certified as such in accordance with the Rules of Court, shall be exempted from the payment of appeal fee. Exemption from payment of the lawful appeal fees may be granted by the Office of the President upon a verified motion setting forth valid grounds therefor. If the motion is denied, the appellant shall pay the appeal fee within fifteen (15) days from notice of the denial.

**SECTION 4. Transmittal of record.** Within ten (10) days from receipt of a copy of the Notice of Appeal, the department or agency concerned shall transmit to the Office of the President the complete records of the case with each page

consecutively numbered and initialled by the custodian of the records, together with a summary of proceedings thereon from the filing of the complaint or petition before the office of origin up to transmittal to the Office of the President in chronological order indicating the action taken, incidents resolved, and listing of all pleadings, motions, manifestations, annexes, exhibits and other papers or documents filed by the contending parties, the corresponding orders, resolutions and decisions, as required in Memorandum Circular (MC)No. 123 (s. 1991).

**SECTION 5. Perfection of appeal.** The appeal shall be deemed perfected upon the filing of the Notice of Appeal, payment of the appeal fee, and the filing of the appeal memorandum.

**SECTION 6. Period to file appeal memorandum.** The appeal memorandum shall be filed within thirty (30) days from the date the Notice of Appeal is filed, with proof of service of a copy thereof to the department or agency concerned and the affected parties.

**SECTION 7. Appeal memorandum.** The appeal memorandum shall be filed in three (3) copies and shall (a) contain the caption and docket number of the case as presented in the office of origin and the addresses of the parties; (b) indicate the specific material dates showing that it is filed within the period prescribed in Section 1 hereof; (c) contain a concise statement of the facts and issues and the grounds relied upon for the appeal; and (d) be accompanied by a clearly legible duplicate original or a certified true copy of the decision/resolution/order being appealed.

**SECTION 8. Non-compliance with requirements.** The failure of the appellant to comply with any of the requirements regarding the payment of the appeal fee, proof of service of the appeal memorandum, and the contents of and the documents which should accompany the appeal memorandum shall be sufficient ground for the dismissal of the appeal.

**SECTION 9. Stay of execution.** The execution of the decision/resolution/order appealed from is stayed upon the filing of the Notice of Appeal within the period prescribed herein, provided that the stay of execution shall not apply (a) where provided by special law, and (b) in decisions/resolutions/order of the Department of Interior and Local Government pursuant to AO No. 23 (s. 1992), as amended. However, in all cases, at any time during the pendency of the appeal, the Office of the President may direct or stay the execution of the decision/resolution/order appealed from upon such terms and conditions as it may deem just and reasonable.

With respect to decisions/resolutions/orders of the Housing and Land Use Regulatory Board, the appeal will stay the execution for a period of sixty (60) days from the date of the filing of a Notice of Appeal within the period set in Section 1, after which the decision/resolution/order shall be executory unless otherwise ordered by the Office of the President.

**SECTION 10. Action on appeal.** The Office of the President may require the appellee to file a comment to the appeal memorandum within fifteen (15) days from notice, or dismiss the appeal if the Office of the President finds that (a) it has no jurisdiction, (b) the appeal is patently without merit, (c) the appeal is prosecuted manifestly for delay, or (d) the questions raised in the appeal are too unsubstantial to require consideration.