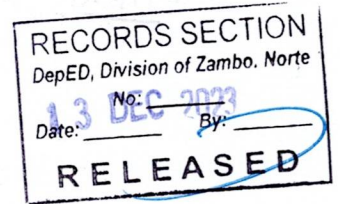




Republic of the Philippines
Department of Education
REGION IX

SCHOOLS DIVISION OF ZAMBOANGA DEL NORTE





December 11, 2023

Division Memorandum
No. 554 s. 2023

RULES OF PROCEDURE ON THE NOTIFICATION AND SERVICE OF ALL COMMUNICATIONS AND OTHER DOCUMENTS TO THE RESPONDENT REQUIRING AN ANSWER OR REPLY

To: Public Schools District Supervisors
School Heads
Administrative Officers II
All Others Concerned

1. Relative to the D.O. 49 s. 2006, 2017 CSC RACCS, Ease of Doing Business Act relative to prompt response within the prescribed period, and to the Division Reform Agenda, "Maximization and Optimization of Resources" under PREMIER's "Maximizing the Use of Resources Effectively and Efficiently", this Division issues this policy guideline.
2. The policy specifically aims to (1) ensure receipt of the notification and/or communication; (2) reduce the opportunity to use legal loopholes in the process of service under the rules; and (3) enable the respondent to respond or take action within the prescribed period.
3. Enclosed herein are the detailed policy and guidelines.
4. This issuance shall take effect immediately after its publication.
5. For your information, guidance, and dissemination.


ROY C. TUBALLA EMD, JD, CESO VI
Schools Division Superintendent 

Legal Unit /RPJ/Division Memo/0002/December 11, 2023



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Enclosure No. 1

RULES OF PROCEDURE ON THE NOTIFICATION AND SERVICE OF ALL COMMUNICATIONS AND OTHER DOCUMENTS TO THE RESPONDENT REQUIRING AN ANSWER OR REPLY

Section 1. Coverage. — This guideline shall govern the notification and service of all communications to the respondent in the form of notices, orders, memoranda, summons, demands, and other forms of communication that require an immediate answer or a reply within a reasonable period, as well as their service, except those for which a different mode of service is prescribed.

Section 2. Service, defined. — Service is the act of providing a party with a copy of the notice or any other communication to ensure the receipt thereof.

Section 3. Modes of Service. — Notices, orders, memoranda, summons, demands, and other forms of communication shall be served personally. In an occasion that cannot be avoided or circumstances or conditions that the service cannot be done personally, it may be done by registered mail, accredited courier, electronic mail, and other electronic means as may be authorized by this office.

Section 4. Personal Service. — Documents may be served by personal delivery of a copy to the party, or by leaving it in his or her office or place of business with his or her clerk, or with a person having charge thereof. If no person is found in his or her office or place of business, or his or her office or place of business is not known, or he or she has no office, then by leaving the copy, between the hours of eight in the morning and six in the evening, at the party's residence, if known, with a person of sufficient age and discretion residing therein. The personal service is done primarily by the Administrative Officer II (AO II) assigned to the area or within his clustered area of assignment. *The AO II are required to return the proof of service indicating the date of receipt by the respondent.*

Section 5. Service by mail. — Service by registered mail shall be made by depositing the copy in the post office, in a sealed envelope, plainly addressed to the respondent at his or her office, if known, otherwise at his or her residence, if known, with postage fully prepaid, and with instructions to the postmaster to return the mail to the sender after ten (10) calendar days if undelivered. If no registry service is available in the locality of either the sender or the addressee, service may be done by ordinary mail.

Sec. 6. Substituted service. — If the respondent cannot be served within a reasonable time as provided in the preceding section, service may be effected (a) by leaving copies of the notices or summons at the defendant's dwelling house or residence with some person of suitable age and discretion then residing therein, or (b) by leaving the copies at defendant's office or regular place of business with some competent person in charge thereof.



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Section 7. Service by electronic means. — Service by electronic means shall be made if the respondent concerned consents to such modes of service. Service by electronic means shall be made by sending an e-mail to the respondent's DepEd official electronic mail address, or through other electronic means of transmission, or upon direction of this office. Provided that the respondent is **publicly known** to have been using that online platform for a significant amount of time or is determined to have owned, assigned, or in control over the said online account.

Section 8. Presumptive service. — There shall be presumptive notice to the respondent if such notice appears on the records to have been mailed at least twenty (20) calendar days after mailing.

Section 9. Completeness of service. — Personal service is complete upon actual delivery. Service by mail is complete upon actual receipt by the addressee, or upon the expiration of ten (10) calendar days after mailing, unless this Office otherwise provides. Electronic service is complete at the time of the electronic transmission of the document, or when available, at the time that the electronic notification of service of the document is sent. Electronic service is not effective or complete if the party serving the document learns that it did not reach the addressee or person to be served.

Section 10. Proof of service. — Proof of personal service shall consist of a written admission of the party served, or the return of the received copy signed by the respondent, or the written report of the party serving, containing a statement of the date, place, and manner of service. If the service is made by:

(a) Mail. - Proof shall consist of the tracking report courier together with the courier's official receipt or document tracking number indicating the receipt of the addressee.

(b) Registered mail. - Proof shall be made through the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof, the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.

(c) Electronic mail, or other authorized electronic means of transmission. - Proof shall be made from the report executed by the person who sent the email, or other electronic transmission, together with a printed proof of transmittal.

----- NOTHING FOLLOWS -----



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