

**DSWD OPINION NO. 69 S. 2024**

DRN: LS-L-LO-24-08-41274-C

**MEMORANDUM FOR THE SECRETARY**

**THROUGH** : **ATTY. HURJAE S. LUBAG, RPm**  
Head Executive Assistant

**FROM** : **THE ASSISTANT SECRETARY FOR GENERAL  
ADMINISTRATION AND SUPPORT SERVICES GROUP and  
CONCURRENT OFFICER-IN-CHARGE, LEGAL SERVICE**

**SUBJECT** : **LEGAL REVIEW ON THE AUTHORIZATION OF DSWD FIELD  
OFFICE NCR REGIONAL DIRECTOR RE: APPLICATION FOR  
BUILDING AND OCCUPANCY PERMIT FOR THE PROJECT  
CONSTRUCTION OF A MULTI-PURPOSE BUILDING**

**DATE** : **09 SEPTEMBER 2024**

This is in reference to the Routing and Tracking Slip<sup>1</sup> requesting the Legal Service to review the authority of the DSWD Field Office National Capital Region (NCR) Regional Director to sign the application of building and occupancy permits for the construction of a Multi-Purpose Building in DSWD National Capital Region at Legarda St., Manila.

In the Memorandum for the Secretary<sup>2</sup> dated 19 June 2024, Atty. Michael Joseph J. Lorico, NCR Regional Director (RD) is requesting authorization from DSWD Secretary Rex Gatchalian to serve as the authorized signatory of DSWD for the application of necessary permits, to wit:

- a. Zoning Permit/Locational Clearance;
- b. Fire Safety Evaluation Clearance Application Form
- c. Building Permit Application Form
- d. Occupancy Permit Application Form
- e. Building Plans (signed and sealed by the designer)
- f. Other supporting Technical Documents (signed and sealed)

**Executive Order (EO) No. 292 entitled "Administrative Code of 1987" Book IV/Chapter 2, Secretaries, Undersecretaries, and Assistant Secretaries states:**

**"Section 6. Authority and Responsibility of the Secretary. - The authority and responsibility for the exercise of the mandate of the Department and for the discharge of its powers and functions shall be vested in the Secretary, who shall have supervision and control of the Department." (emphasis supplied)**

<sup>1</sup> Annex A – Routing and Tracking Slip from the Office of the Secretary dated 25 June 2024

<sup>2</sup> Annex B – Memorandum for the Secretary dated 19 June 2024

That is, under the law and rules, the Secretary, as the head of the agency, is tasked to represent the Department. He may also delegate authority to officers and employees under his Secretary's direction<sup>4</sup>

In the same EO 292, the Regional Director is vested with authority to efficiently carry out its functions within its jurisdiction, to wit:

**"SECTION 27. Duties of a Regional Director.—The Regional Director shall:**

**(3) Exercise the management functions of planning organizing, directing and controlling;**

xxx

**(17) Perform such other duties and functions as may be provided by law or further delegated by the head of agency or other proper authorities concerned." (emphasis supplied)**

Applying the provisions of the law, the Secretary, as the Head of the Agency, has the power to sign on behalf of the Department all application permits for the construction of buildings on the DSWD. The Secretary, at his discretion, may delegate the exercise of this power to his authorized representative pursuant to an express and written delegation of authority.

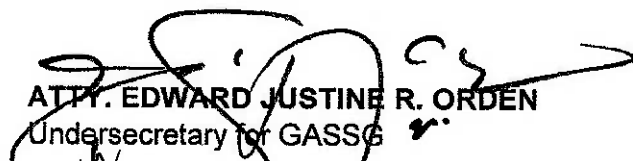
Thus, this level opines that the Secretary, may at his discretion, sign the Authority submitted by the FO NCR Regional Director for the latter to represent the Department in the application for the necessary permits, if amenable.

For consideration of the Secretary and further instructions, if any.

Thank you.

  
ATTY. GINA V. WENCESLAO  
MCMUG/MIBP/ESSE  


RECOMMENDING APPROVAL:

  
ATTY. EDWARD JUSTINE R. ORDEN  
Undersecretary for GASSG  
18 SEP 2024

<sup>4</sup> Section 7(8), Executive Order No. 292 entitled "Administrative Code of 1987" Book IV/ Chapter 2, Secretaries, Undersecretaries, and Assistant Secretaries