

DENR Memorandum Order

No. 96-04

January 30, 1996

**SUBJECT : Publication and Submission to the
UP Law Center of Rules and
Regulations Adopted by the
Department**

1. Publication

Existing jurisprudence provides guidance on which administrative rules and regulations require publication as a condition for effectivity.

Administrative rules and regulations which seek to enforce or implement existing law pursuant to a valid delegation must be published. On the other hand, interpretative regulations and those merely internal in nature, regulating only the personnel of the administrative agency and not the public, need not be published. Neither is publication required of the instructions issued by administrative superiors concerning the rules or guidelines to be followed by their subordinates in the performance of their duties.

To assure effective, efficient, and economical promulgation of DENR Rules and Regulations, all offices drafting rules/guidelines which would:

- a. enforce or implement existing law; and/or
- b. affect the public,

should expressly include in the effectivity section of the draft rules/guidelines a provision that it shall be endorsed

for publication by the Records Management and Documents Division (RMDD).

2. Filing at UP Law Center.

The RMDD shall be the functionary designated to carry out the requirements provided under Sec. 3 (2) Book VII of the 1987 Administrative Code. The RMDD, through the Director, Administrative Service, shall be responsible for the filing with the UP Law Center three (3) certified copies of every rule and regulation adopted by the Department. All DENR Orders, except those concerning internal guidelines to be followed by only DENR personnel, must be submitted to the UP Law Center.

Every Staff Line Bureau is also instructed to submit to the RMDD, for submission to the UP Law Center, all rules promulgated prior to the Department's reorganization, i.e. Forestry Administrative Orders, Land Administrative Orders, etc. which:

- a. establishes an offense;
- b. defines an act which, pursuant to law, is punishable as a crime or subject to a penalty; or
- c. may be used as a basis of any sanction against any person.

Please be guided accordingly.

VICTOR O. RAMOS
Secretary