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DOST ADMINISTRATIVE ORDER NO. 002
Series of 2022

SUBJECT: GUIDELINES ON THE GRANT OF PERMISSION TO OFFICIALS AND EMPLOYEES OF THE DEPARTMENT OF SCIENCE AND TECHNOLOGY (DOST) TO ENGAGE IN LIMITED PRACTICE OF PROFESSION

I. RATIONALE/PURPOSE OF THE LIMITATIONS

Section 2 of Republic Act No. 6713, otherwise known as "Code of Conduct and Ethical Standards for Public Officials and Employees", states that public officials and employees shall at all times be accountable to people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest.

In accordance with Book V, Title 1, Chapter 7, Section 46 (24) of Executive Order No. 292 otherwise known as the "Administrative Code of the Philippines", the pursuit of private business, vocation, or profession without the permission required by the Civil Service rules and regulations shall be a ground for disciplinary action.

Pursuant to Rule XII, Section 136 of the Civil Service Memorandum Circular No. 14, s. 2018 or the "2017 Omnibus Rules on Appointments and Other Human Resource Actions, Revised 2018", no officer or employee, whether in a permanent or regular capacity, temporary, casual, or hold-over, shall engage directly or indirectly in any private business or practice of profession. Exemptions may be allowed, subject to the limitations provided under RA No. 6713 and other special laws.

Accordingly, Section 7(b)(2) of RA No. 6713 provides that public officials and employees shall not engage in the private practice of their profession unless authorized by the constitution or law, provided that such practice will not conflict or tend to conflict with their official functions.

In consonance with the abovementioned policies, the Department of Science and Technology hereby prescribes the set of procedures and protocols with respect to the issuance of permission to teach or practice of profession.

II. SCOPE/COVERAGE

These guidelines shall cover the general rules, conditions, and prohibitions for all the officials and employees of the Department of Science and Technology who will engage in the limited practice of profession.

III. DEFINITION OF TERMS

- Distance Learning – an educational course that is delivered remotely where lectures are broadcast or classes are conducted by correspondence or over the internet, without the students needing to physically attend a school.
- DOST – refers to the Department of Science and Technology Central Office, Regional Offices, and Attached Agencies.
- EXECOM – refers to the Executive Committee of an organization that has the authority to make decisions and ensures that these decisions are carried out.
- Load Limitation – the maximum recommended or permitted number of units per term/semester that can be allowed to practice teaching profession.
- Permission to Teach – the authority that is being granted to officials and employees who will engage in teaching
- Practice of Profession – involves teaching, legal practice, and other professions that require the expertise of the person in his/her capacity as a private individual.

Terms of Reference – the scope and limitations of an activity or area of knowledge,

IV. CENTRAL RESPONSIBILITY

The DOST Secretary or his/her duly designated representative shall be the approving authority on all requests for permission to engage in the limited practice of profession.

DOST officials and employees requesting such permission shall strictly adhere to the conditions set forth in this Administrative Order in accordance with the laws mentioned in item I.

V. GENERAL GUIDELINES

As a general rule, DOST officials and regular/plantilla employees shall not accept full-time or part-time employment in another office or agency, whether public or private, while on full-time employment with the Department. Application for leave of



absence where the purpose or reason is for employment in private or other government offices, either inside or outside the country, shall not be allowed.

DOST officials and regular/plantilla employees may, however, be allowed to engage in the private practice of profession in a limited capacity, after securing permission/authority from the DOST Secretary or his/her duly designated representative, subject to the following procedures and conditions:

1. Procedure in Filing the Request

- 1.1 The request for permission to engage in the limited practice of profession outside office hours shall be made through a letter, addressed to the DOST Secretary, duly endorsed by the concerned supervising EXECOM Head of Agency or Regional Office/Service Director.
- 1.2 The request letter shall be accompanied by the duly accomplished Request to Engage in Limited Practice of Profession form (Annex A) and a statement of the official/employee's official Terms of Reference (TOR) with schedule, signed by the Agency Head of the host institution/entity. The period covered by the application shall be indicated in the Request Form.
- 1.3 The duly endorsed request letter shall be forwarded to the Personnel Division of the Administrative and Legal Service for review and clearance.
- 1.4 When cleared, the request letter, along with its necessary attachments shall be forwarded to the following Offices:
 - a. Office of the Assistant Secretary for Human Resource Management, Management Services, and Special Concerns for endorsement to approving officials;
 - b. Office of the Supervising Execom Official/Service Director for recommendation to the DOST Secretary;
 - c. Office of the Secretary for approval; and
 - d. Requesting Official/Employee for information and guidance.
- 1.5 The request for renewal of permission to engage in the limited practice of profession shall be subject to the assessment and recommendation of the supervising EXECOM Official/Agency or Regional/Service Director or the Division Chief of the concerned personnel.
- 1.6 The Administrative and Legal Service – Personnel Division shall record and secure the copy of the approved permission from the applicant.
- 1.7 Officials and employees who would like to seek permission to engage in the limited practice of profession must submit the above-stated documents to the Office of the Secretary at least fifteen (15) calendar days for approval before engaging in the private practice of profession. Without the approval



from the DOST Secretary or his/her duly designated representative, no official or employee shall be allowed to pursue the requested practice of profession.

2. Conditions for Approval

- 2.1 If permission to engage in teaching shall be granted, the teaching load shall be limited to nine (9) hours per week. This shall include the teaching load for classes that are conducted through online platforms, distance learning, and open university programs of tertiary schools.
- 2.2 In case of permission to teach and to ensure compliance to load limitation, the applicant shall submit a certification from the authorized official of the institution, where the profession is to be practiced, as to the load assignment with the corresponding number of units and the schedule, addressed to the head of the agency.
- 2.3 Officials and employees who will engage in the limited practice of profession must have at least a Very Satisfactory (VS) performance for two (2) rating periods, from the Department, for the year prior to the filing of the request for permission.
- 2.4 Private practice of profession shall be performed outside of official working hours. The requesting employee or official shall ensure that:
 - 2.4.1. Activities in relation to the private practice of profession shall neither conflict nor tend to conflict with his/her official functions nor be prejudicial to the best interest of the service.

If upon review of request for permission, there exist probable conflicts of interest in the performance of limited practice of profession, the request shall be elevated to the DOST Secretary upon recommendation of the supervising EXECOM Official/Head of Agency or Regional Office/Service Director and the ALS-Personnel Division, for final review and decision.
 - 2.4.2. It shall not impair in any way with his/her efficiency in the discharge of his/her regular functions. Absences incurred in the private practice of profession, if any, shall be covered by a duly approved leave of absence.
 - 2.4.3. It shall not involve any use of government resources such as but not limited to official service vehicles, supplies, equipment, funds, or properties.
- 2.5 The DOST officials and employees engaged in the private practice of profession shall not disclose confidential information in relation to his/her official functions in the Department.



- 2.6 The authority given to an employee or official to engage in the private practice of profession outside of office hours shall be limited to a period of one (1) year only, subject to renewal. An applicant requesting renewal of authority/permission must have obtained at least a VS performance for the prior year and shall be subject to assessment as prescribed in item 1.3 of this Administrative Order;
- 2.7 Permission to practice profession may be withdrawn at any time whenever the exigencies of the service so require, or if herein conditions prescribed has been violated. This is without prejudice to administrative disciplinary action for violation hereof and in case of misrepresentation on the part of the applicant.

Prohibitions

No official or employee shall be allowed to perform limited practice of profession in any or institution over which he/she directly or indirectly exercises jurisdiction, control, supervision, or influence by reason of his office or position in the government (Republic Act No. 3019 or the "Anti-Graft and Corrupt Practices Act", and the Prohibited Acts under RA No. 6713.)

Penalty

Violation of seeking written permission before pursuing the practice of profession carries with it a penalty of reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense pursuant to Chapter XI Sec. 1 of the 2019 DOST rules of procedure.

V. REPEALING CLAUSE

All other DOST orders, rules, regulations, or issuances inconsistent with this Order are hereby repealed and/or modified accordingly.

VI. EFFECTIVITY

This Order shall take effect immediately.


FORTUNATO T. DE LA PEÑA
Secretary