MEMORANDUM FROM THE OFFICE OF THE EXECUTIVE DIRECTOR

To : **ALL CHED REGIONAL OFFICES**
ALL UniFAST REGIONAL COORDINATORS

Through : **ATTY. CINDERELLA FILIPINA S. BENITEZ-JARO**
Executive Director IV, CHED

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Date: 2021.12.15 13:04:54 +08'00'

From : **ATTY. RYAN L. ESTEVEZ**
OIC, Office of the Executive Director IV, UniFAST Secretariat

Subject : **CLARIFICATORY MEMORANDUM ON THE CERTIFICATE OF REGISTRATION (COR) REQUIREMENT UNDER THE ENHANCED TERTIARY EDUCATION SUBSIDY (TES) GUIDELINES**

Date : **November 25, 2021**

This clarificatory memorandum is issued to address the concern of CHED Regional Offices and UniFAST Regional Coordinators as to the proper interpretation of Section VII.1. of CHED-UniFAST-DBM Joint Memorandum Circular (JMC) No. 04, series of 2020 requiring the submission of "Certificate of Registration (CORs) / Enrolment with total number of units earned signed by the Registrar, with **official school dry seal** (Original Copy/ Certified True Copy, provided that certified electronically generated CORs/COEs or those issued electronically may be submitted online)".

The Secretariat is not unaware that CORs, which in various colleges and universities may be referred as "Reg-Cert", "Form 5", etc., are not necessarily impressed with official school dry seals such as those issued by the University of the Philippines, Polytechnic University of the Philippines and other universities and colleges. In fact, CORs submitted to the Secretariat for the reimbursement of Free Higher Education billings do not necessarily have dry seals.

Hence, the correct interpretation of the requirement to have the CORs bear "official school dry seals" is that CORs must bear a **distinguishing feature**, such as a watermark, logo, or symbol but not necessarily a dry seal, that signifies the document was issued by the university or college. This administrative interpretation finds its basis in the principle: "The spirit, rather than the letter, of a statute determines its interpretation.[1]"

What is within the spirit is within the statute *although it is not within the letter thereof*, and *that which is within the letter* but not within the spirit is **not within the statute**.[2]

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[1] Manila Race Horse Trainers Association v. De la Fuente, G.R. No. L-2947, January 11, 1951; Go Chi v. Go Cho, G.R. No. L-5208, December 1, 1909.
[2] Villanueva v. City of Iloilo, G.R. No. 26521, December 28, 1968; People v. Purisima, G.R. No. 42050, November 20, 1978.

To emphasize, an administrative body such as the UniFAST Secretariat has power to interpret its own rules which have the force and effect of law, and such an interpretation becomes part of the rule[3].

The above interpretation finds support in the proviso "certified electronically generated CORs/COEs or those issued electronically may be submitted online". Electronically generated CORs/COEs submitted online cannot physically exist bearing dry seals stamped by an embosser. The "dry seal" requirement is just a matter of form which can be complied with even if there is no dry seal impressed upon the document, for as long as there is a distinguishing feature which substitutes for that seal. On the other hand, the Certificate of Registration requirement is a matter of substance as it serves as proof that a student is enrolled, as required by the Enhanced TES Guidelines. As between matters of form and matters of substance, the latter has greater weight over the former.

For your guidance and information.

Thank you.

cc: **ANA MILLARY D. SIBUG**
Officer-In-Charge, Regional Operations, UniFAST Secretariat

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Note: By virtue of Article 8 of the Civil Code, judicial decisions applying or interpreting the laws such as cases cited in this memorandum form part of the legal system of the Philippines.

[3] Foley vs. Benedict, 122 Tex 193, 55 SW (2d) 805, 86 ALR 477, as cited in City Government of Makati v. Civil Service Commission, G.R. No. 131392, February 6, 2002