

Regulations governing appeals to the office of the secretary from the decisions/orders of the regional offices

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Pursuant to the relevant provisions of the Administrative Code of 1987, the following rules and regulations are promulgated to govern appeals to the Office of the Secretary, Department of Environment and Natural Resources, from the decisions/order of DENR Regional Offices, thus:

SECTION 1. Perfection of Appeals –

- a. Unless otherwise provided by law or executive order, appeals from the decisions/orders of the DENR Regional Offices shall be perfected within fifteen (15) days after receipt of a copy of the decisions/order complained of by the party adversely affected, by filing with the Regional Office which adjudicated the case a notice of appeal, serving copies thereof upon the prevailing party and the Office of the Secretary, and paying the required fees.
- b. If a motion for reconsideration of the decision/order of the Regional Office is filed and such motion for reconsideration is denied, the movant shall have the right to perfect his appeal during the remainder of the period for appeal, reckoned from receipt of the resolution of denial. If the decision is reserved on reconsideration, the aggrieved party shall have fifteen (15) days from receipt of the resolution of reversal within which to perfect his appeal.
- c. The Regional Office shall, upon perfection of the appeal, transmit the records of the case to the Office of the Secretary with each page numbered consecutively and initialed by the custodian of the records.

SECTION 2. Effect of Appeals – The appeal shall stay the execution of the decision/order appealed from except as otherwise provided by the law or executive order or the Office of the Secretary directs execution pending appeal considering the nature and circumstances of the case.

SECTION 3. Action on Appeal – The Office of the Secretary shall review the records of the proceedings and may, on its own initiative or upon motion, receive additional evidence.

SECTION 4. Dismissal of Appeal – The appeal may be dismissed for failure to comply with the orders issued in connection with the appeal.

SECTION 5. Finality of Decision of the Office of the Secretary – The decision/order of the Office of the Secretary shall become final and executory fifteen (15) days after the receipt by the parties of a copy thereof.

SECTION 6. Applicability of the Rules of Court – The Rules of Court shall apply when not inconsistent with the provisions hereof.

SECTION 7. Effectivity – This Administrative Order shall take effect immediately after its publication in a newspaper of general circulation.

Adopted: 28 Dec. 1990

(SGD.) FULGENCIO S. FACTORAN, JR.

Secretary

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