



MEMORANDUM ORDER No. 2022-04

**EXCLUDING THE DEVELOPMENT ACADEMY OF THE PHILIPPINES FROM THE
COVERAGE OF REPUBLIC ACT (R.A.) No. 10149**

WHEREAS, the **DEVELOPMENT ACADEMY OF THE PHILIPPINES (DAP)** was created and established as a body corporate on 06 June 1973 pursuant to Presidential Decree No. 205;

WHEREAS, since the enactment of the R.A. No. 10149 or the "GOCC Governance Act of 2011", the DAP has been included in the Governance Commission's list of GOCCs under its jurisdiction;

WHEREAS, Section 4 of R.A. No. 10149 provides that the jurisdiction of the GCG shall cover "all GOCCs, GICPs/GCEs, and government financial institutions, including their subsidiaries, but excluding the Bangko Sentral ng Pilipinas, state universities and colleges, cooperatives, local water districts, economic zone authorities and research institutions;"

WHEREAS, Section 3(m) of R.A. No. 10931 or the "Universal Access to Quality Tertiary Education Act" defined state universities and colleges (SUCs) as public Higher Education Institutions (HEIs) established by national government and are governed by their respective independent boards of trustees or regents;

WHEREAS, an HEI "refers to an education[a] institution authorized and recognized by the Commission on Higher Education (CHED) to offer bachelor's degree or graduate courses";¹

WHEREAS, in Department of Justice (DOJ) Opinion No. 15, s. 1992,² the DOJ concurred with DAP that "education is one of the fields that may be entered into by the DAP in the pursuit of its broad objectives";

WHEREAS, the CHED, in Cert No. 14-07-398 series of 2014, certified that DAP is included in its list of HEIs;

WHEREAS, the DAP, as a public HEI, should be considered as an SUC excluded from the coverage of R.A. No. 10149;

NOW, BE IT –

RESOLVED, the DAP shall now be excluded from the list of GOCCs under R.A. No. 10149 pursuant to Section 4 of the law, the DAP being an SUC;

¹ Section 3(d) of R.A. No. 10931.

² Attached herein as ANNEX B.