

Republic of the Philippines
PROFESSIONAL REGULATION COMMISSION (PRC)
Manila
RESOLUTION NO. 06-342 (A)
Series of 2006
NEW RULES OF PROCEDURE IN
ADMINISTRATIVE INVESTIGATIONS IN
THE PROFESSIONAL REGULATION COMMISSION AND THE
PROFESSIONAL REGULATORY BOARDS

WHEREAS, there is an urgent need to revise the existing rules and regulations governing administrative investigations in the Professional Regulation Commission (hereafter the "Commission") and the Professional Regulatory Boards (hereafter the "Boards" or "Board"), promulgated pursuant to Sec. 7 (d), (p) and (s) and Sec. 9 (c) of Republic Act No. 8981, otherwise known as the "PRC Modernization Act of 2000", to achieve a fair, expeditious and inexpensive disposition of cases filed with the Commission and the Boards.

NOW, THEREFORE, the Commission resolves to adopt and promulgate the following rules governing administrative investigations in the Commission and the Boards:

**ARTICLE I
GENERAL PROVISIONS**

Sec. 1. **Title.** - These Rules shall be known and cited as the "New Rules of Procedure in Administrative Investigations in the Professional Regulation Commission and the Professional Regulatory Boards".

Sec. 2. **Scope.** - These Rules are issued in the exercise of the quasi-judicial powers and functions of the Commission and the Boards pursuant to Republic Act No. 8981, and the laws regulating the various professions in relation to cases filed against the examinees in the licensure examinations, professionals registered with the Commission, holders of temporary or special permits issued by the Commission upon recommendation by the Board concerned, and members of the Boards.

Sec. 3. **Construction.** - These Rules shall be liberally construed to promote the objective of a just, speedy and inexpensive determination of cases. The Commission and the Boards shall not be bound by technicalities but shall proceed to hear and decide cases in a most expeditious manner to determine the facts of each case consistent with justice and equity.

Sec. 4. **Nature of Action.** - The administrative investigations shall be fact-finding and summary in nature, without prejudice, however, to the due process of law, and intended primarily to determine if the respondent is morally and technically qualified to be admitted to his profession, to practice or continue to practice his profession, or continue to be a member of the Board.

Sec. 5. **Rules of Evidence.** - Unless otherwise provided in these Rules, the rules on evidence under the Rules of Court shall be applicable in the administrative investigations but technical errors in the admission of the evidence which do not prejudice the substantive rights of the parties shall not vitiate the proceedings.

Sec. 6. **Jurisdiction.** - Service of summons with a copy of the formal charge or complaint shall vest the Commission or the Board with jurisdiction over the person of the respondent and the power to hear and decide the case even if he subsequently leaves the Philippines or fails to appear during the hearings of the case.

Sec. 7. **Due Process.** - The respondent shall be informed of the charge against him and shall be entitled to be represented by counsel or be heard in person, to have a speedy and public trial, to confront and to cross-examine witnesses against him and to all other rights guaranteed by the Constitution.

Sec. 8. **Rules of Procedure.** - These Rules shall uniformly apply to administrative investigations conducted in the Central Office and in the Regional Offices of the Commission.

Sec. 9. **Prohibited Pleadings and Motions.** - The following pleadings, motions and petitions shall not be allowed by the Commission or the Board and shall be considered mere scraps of paper in the cases covered by these Rules:

1. Motion to dismiss the complaint except on the ground of lack of jurisdiction over the subject matter or the person of the respondent;
2. Motion for a Bill of Particulars;
3. Motion for new trial or for reopening of trial;
4. Petition for relief from judgment;
5. Motion for extension of time to file pleadings, affidavits or any other papers;
6. Second or subsequent motions for reconsideration;
7. Appeal or petition for certiorari, mandamus, or prohibition against any interlocutory order issued by the Commission or the Board;
8. Motion to declare the respondent in default;
9. Dilatory motions for postponement;
10. Reply and rejoinder; and
11. Demurrer to evidence

Sec. 10. **Delegation of Hearing.** - The hearing of the administrative case may be delegated by the Commission or the Board to any lawyer of the Commission or official of the Regional Office in charge of handling administrative cases. The lawyers of the Commission may act as either hearing officers or special prosecutors in *motu proprio* investigations. In addition thereto, lawyers of the Commission and members of the Boards may administer oath as may be necessary in taking the testimony of a party or a witness in connection with any investigation.

The lawyer of the Commission or any member of the Board shall have the power to exclude from the hearing room any person, party, witness or legal counsel who, during the hearing, disrupts the proceedings or conducts himself in a disorderly manner. Such person, party, witness or legal counsel may be cited for contempt if he still creates disturbance outside the hearing room that causes disruption of the proceedings.

Sec. 11. **Presence of Board Members.** - The presence of a member of the Board shall be required in cases involving the practice of the profession. However, such presence may be waived upon agreement by both parties.

Sec. 12. **Pendency of Another Case.** - The filing or pendency of a criminal and/or civil case before a court of law or an administrative case before another quasi-judicial body against an examinee, registered professional, holder of a temporary or special permit or a member of the Board involving the same facts as in the administrative case filed or to be filed before the Commission or the Board shall neither suspend nor bar the proceedings of the latter case. The Commission or the Board shall proceed independently with the investigation of the case and shall render therein its decision without awaiting the final decision of the court or the quasi-judicial body.

Sec. 13. **Cases Covered.** - The administrative investigations shall include but shall not be limited to the following grounds:

1. Immoral or dishonorable conduct;
2. Unprofessional or unethical conduct;
3. Insanity;
4. Conviction of a criminal offense involving moral turpitude;
5. Gross negligence or incompetence in the practice of profession;
6. Use or perpetration of fraud or deceit in the acquisition of Certificate of Registration/Professional License, Temporary or Special Permit, Professional Identification Card (PRC ID Card), STCW Certificate of Competency and Endorsement Certificate;
7. Violation of any of the provisions of Republic Act No. 8981, the laws regulating the various professions, their implementing rules and regulations and their codes of ethics;
8. Neglect of duty;
9. Commission of irregularities in the licensure examinations which taint or impugn the integrity of the examinations, or violation of any rule or regulation governing such examinations; and
10. Such other cause or causes as may be provided by law.

Sec. 14. **Imposable Penalty.** - If found guilty, the erring professional registered with the Commission, holder of a temporary or special permit or a member of the Board shall be meted the penalty of reprimand, suspension or revocation of his certificate of registration/professional license or permit.

In the case of a guilty member of the Board, the Commission shall also recommend to the President of the Philippines his suspension or removal from office, as the case may be.

In case of an examinee found guilty of the charge leveled against him, the imposable penalty shall be cancellation of his examination papers and/or debarment from taking a licensure examination.

Sec. 15. **Contempt.** - A contempt committed against the Commission or the Board or any member thereof, or a lawyer of the Commission may be filed with the Regional Trial Court having territorial jurisdiction over the office of the Commission or the Board and shall be governed by the applicable provisions of the Rules of Court.

Any one who, without lawful excuse, fails to appear upon summons/subpoena issued under the authority of the Commission or the Board or who, while appearing before the Commission or the Board, refuses to take an oath, give testimony or produce documents for inspection when lawfully required.

Sec. 16. **Affidavit of Proof of Service.** - All pleadings filed with the Commission or the Board must be accompanied with an affidavit of proof of service upon the adverse party. A pleading without the affidavit of proof of service shall not be accepted by the Commission or the Board.

ARTICLE II RULES OF PROCEDURE

Sec. 1. **Complaint.** - A complaint shall be in writing and under oath or embodied in an affidavit.

Sec. 2. **Who May File.** - The complaint may be filed by any person, firm, partnership, association or corporation, through its duly authorized representative. The Commission or the Board may, *motu proprio*, initiate an administrative investigation, in which case, the complainant shall be the office, section or division of the Commission where the respondent committed the actionable conduct or violation of the rule or regulation of the Commission or the Board.

Sec. 3. **Language and Contents.** - The complaint must be written in a clear, simple and concise language so as to apprise the respondent of the nature and cause of the charge against him and to enable him to intelligently prepare his defense or answer. The complaint shall contain the following:

1. Full names and complete addresses of the complainant and the respondent;
2. The respondent's profession together with his Certificate of Registration or License or permit number and date of issuance if available;
3. In case the respondent complained of is an examinee, the licensure examination he has applied for or taken, and the date/s thereof;
4. A brief narration of the material facts which show the acts or omissions allegedly committed by the respondent constituting the charge, offense or cause of action;
5. The disciplinary action prayed for; and
6. Certified true copies of documentary evidence, and the affidavit/s of witness/es if any.

Sec. 4. **Number of Copies.** - The complaint, together with the documentary evidence and affidavit/s of witness/es, if any, shall be filed in such number as there are respondents, plus two (2) copies for the file. The affidavit/s required to be submitted shall state facts only of direct personal knowledge to the affiant and shall show the competence of the affiant to testify to the matters stated therein. A violation of the foregoing requirement shall be a ground for expunging the affidavit or portion thereof from the record.

Sec. 5. **Where to File a Complaint.** - A complaint may be filed at the Legal and Investigation Division (Legal Division) of the Central Office or at the Regional Office of the Commission having territorial jurisdiction over the parties at the option of the complainant.

Sec. 6. **Venue.** - Unless the parties have agreed that a particular Regional Office shall be the venue of the proceedings, the venue of the action

shall be the Regional Office within whose territorial jurisdiction the complainant or the respondent resides, at the option of the complainant, provided that the Regional Office has a lawyer or its Director or Officer-in-Charge is a lawyer.

In case of complaints filed directly with the Regional Office, the latter shall verify whether the concerned Board has jurisdiction over the person of the respondent and over the subject matter, through available records in its possession. Otherwise, the verification shall be made with the Central Office.

Sec. 7. *Withdrawal of the Complaint.* - A complaint may be withdrawn by the complainant in writing and under oath before the case is submitted for decision. The Commission or the Board shall forthwith dismiss the case unless the Commission or the Board shall deem it necessary to ignore the withdrawal and to prosecute the case in the interest of the public or for the protection of the standards of the profession or in view of the obvious merit of the case.

Sec. 8. *Issuance of Summons.* - On the basis of the complaint, the Commission or the Board shall issue a summons requiring the respondent to file his counter-affidavit or verified answer within fifteen (15) days from receipt thereof with notice that unless the respondent so answers, the complainant shall be allowed by the Commission or the Board to present his evidence *ex-parte* and the Commission or the Board shall render judgment on the basis thereof.

Sec. 9. *Counter-Affidavit or Verified Answer.* - The counter-affidavit or verified answer with the documentary evidence and affidavit/s of witness/es, if any, to be filed by the respondent pursuant to Sec. 8 above shall also include a statement indicating whether or not he elects a formal investigation or waives his right thereto and submits the case for decision based on the pleadings.

A copy of the counter-affidavit or verified answer shall be served simultaneously upon the complainant not later than fifteen (15) days from receipt of the summons.

Sec. 10. *Failure to Serve Summons.* - The complaint shall be dismissed, without prejudice, by the Commission or the Board if the summons cannot be served upon the respondent after three (3) attempts to serve.

Sec. 11. *Order of Default.* - Failure of the respondent to file his counter-affidavit or verified answer within fifteen (15) days from his receipt of summons shall be construed as a waiver to file the same. Thereupon, the Commission or the Board shall issue an order of default and allow the complainant to present his evidence, and render judgment on the basis thereof.

Sec. 12. *Service of Summons.* - Service of summons shall be made either personally or by mail at the last known or registered address of the respondent as indicated in the complaint. If service cannot be made personally, it may be effected by leaving a copy thereof at the respondent's residence with some person of suitable age and discretion then residing therein.

Whenever the address of the respondent is unknown and cannot be ascertained by diligent inquiry, service of summons may, by leave of the Commission or the Board, be effected upon him by publication in a newspaper of nationwide circulation and in such places and for such time as the Commission or the Board may order. Such service may be proved by the affidavit of the printer, his foreman or principal clerk, or of the editor, business or advertising manager, to which affidavit a copy of the publication shall be attached, and by an

affidavit showing the deposit of a copy of the summons and order for publication in the post office, postage prepaid, directed to the respondent by registered mail to his last known address.

Sec. 13. *Service of Notices, Motions, Orders, Judgments, Appeals and Pleadings.* –

- (a) Service of notices, orders, motions, judgments, appeals, pleadings and other related papers may be made either personally or by mail at the last known or registered addresses of the respective counsel of record of the complainant and the respondent. If service cannot be made personally, it may be effected by leaving a copy thereof at the counsel's office with some responsible person in charge of the counsel's office between the hours of eight (8) in the morning and five (5) in the afternoon. Any change in the address of the counsel of record shall be reported in writing to the Commission or to the Board;
- (b) If service is not made personally, service by registered mail shall be required if registry service exists in the locality. Otherwise, service may be made by depositing a copy of the pleading, motion, order, judgment or paper to be served in the post office, in a sealed envelope, plainly addressed to the party's counsel at his office, if known, otherwise at his residence, if known, with postage fully prepaid and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered;
- (c) Personal service shall be considered complete upon actual delivery. Service by ordinary mail shall be complete upon the expiration of ten (10) days after mailing. Service by registered mail shall be complete upon actual receipt by the party concerned, but if he fails to claim his mail from the post office within five (5) days from the date of the first notice of the postmaster, service shall take effect at the expiration of such time; and
- (d) Service on counsel is service on a party whom said counsel represents.

Sec. 14. *Motions for Postponement.* – Motions for postponement which shall be in writing, shall be served upon the Commission or the Board and all parties concerned at least five (5) days prior to the scheduled hearing sought to be postponed.

A party may be granted a maximum of only three (3) postponements during the whole proceeding. A further postponement sought by a party after availing of the said three (3) postponements shall be denied. Failure on his part to appear at the scheduled hearing shall be considered a waiver of his right to cross-examine the witness/es presented by the other party or to adduce his evidence. Each postponement shall not exceed fifteen (15) days.

Sec. 15. *Pre-trial Conference.* – The Commission or the Board shall set the case for a pre-trial conference within thirty (30) days from receipt of the counter-affidavit or verified answer. The notice of pre-trial conference shall be served upon the parties' counsel of record, and the counsel served with such notice is charged with the duty of notifying the party represented by him. The pre-trial conference shall be mandatory.

Sec. 16. *Matters to be Considered.* – During the pre-trial conference, the parties shall consider and agree on the following:

- (a) Possibility of amicable settlement, if allowable;

- (b) Stipulation of facts;
- (c) Simplification of issues;
- (d) Identification and marking of exhibits;
- (e) Limiting the number of witnesses, their names and the substance of their respective testimonies;
- (f) Dates of trial which shall be completed within ninety (90) days from start of the presentation of evidence by either party;
- (g) Agreement to dispense with the presence of a member of the Board in cases involving the practice of the profession; and
- (h) Such other matters as may aid in the prompt disposition of the case, such as barring presentation of additional corroborative witnesses or documents when they will no longer add weight to the evidence already presented.

Sec. 17. **Failure to Appear at Pre-trial Conference.** - The failure of the complainant and/or his counsel to appear at the pre-trial conference shall be a ground for the dismissal of the case. A similar failure on the part of the respondent and/or his counsel to appear at the pre-trial conference shall be a cause to allow the complainant to present his evidence ex-parte and the Commission or the Board shall render its decision in accordance with the evidence presented.

Sec. 18. **Summary Judgment.** - If the parties agree to dispense with the hearing of the case and submit the case for decision based on the pleadings filed, they may submit their respective position papers together with the annexes which must be original or certified true copies, furnishing each other copies thereof, within fifteen (15) days from the date of the pre-trial conference. The Commission or the Board shall render a summary judgment within sixty (60) days from the expiration of the fifteen (15) day period.

Sec. 19. **Pre-trial brief.** - At least three (3) days before the date of the pre-trial conference, the parties shall file with the Commission or the Board their respective pre-trial briefs which shall contain, among others:

- (a) A statement of their willingness to enter into an amicable settlement, indicating the desired terms thereof, if allowable;
- (b) A summary of admitted facts and proposed stipulation of facts;
- (c) The issues to be tried or resolved;
- (d) The documents or exhibits to be presented, stating the purpose and the corresponding markings thereof;
- (e) The number, names and complete addresses of the witness/es, and the substance of their respective testimonies; and
- (f) The dates of hearing, if there be a need for further hearing, to complete the testimonial evidence which shall not be more than ninety (90) days from start of the presentation of evidence by either party.

Any reservation by either party to present his other witness/es or documents than those specified in his pre-trial brief is prohibited and shall not be allowed by the Commission or the Board.

Failure to timely file the pre-trial brief shall have the same effect as failure to appear at the pre-trial conference under Sec. 17 above.

Sec. 20. **Pre-Trial Order.** - Within fifteen (15) days from termination of the pre-trial conference, the Commission or the Board shall issue a pre-trial order which shall recite in detail the stipulations and admissions by the parties,

and other matters taken up in the pre-trial conference. The pre-trial order shall explicitly define and limit the issues to be tried should the action proceed to trial. The contents of the pre-trial order shall govern the subsequent proceedings of the case, unless modified before trial by the Commission or the Board to prevent manifest injustice.

Sec. 21. **Trial or Hearing.** - Unless the Commission or the Board for special reasons otherwise directs, the trial or hearing shall be limited to the issues stated in the pre-trial order and shall proceed as follows:

- (a) The complainant shall present evidence in support of his complaint subject to the pre-trial order or agreement;
- (b) Cross examination of the complainant by the respondent, followed by re-direct examination of the complainant and re-cross examination by the respondent;
- (c) The respondent shall present evidence in support of his defense subject to the pre-trial order or agreement;
- (d) Cross examination of the respondent by the complainant, followed by re-direct examination of the respondent and re-cross examination by the complainant;
- (e) The testimonies of the witnesses, if any, of the parties shall follow the above sequence; and
- (f) The parties may adduce rebuttal evidence subject to the discretion of the Commission or the Board.

A question and answer type affidavit submitted by a party or a witness and properly identified and affirmed by him shall constitute his direct testimony which shall be subject to cross-examination by the opposite party. The affidavit shall be expunged from the records should the affiant fail to testify.

Sec. 22. **Continuous Hearings until Termination.** - Trials or hearings shall be conducted on the dates set and agreed upon during the pre-trial conference. The schedule of trials or hearings so set and agreed upon shall be strictly followed without further notice.

If the counsel for a party fails or refuses to appear during the other party's presentation of evidence despite due notice, such a presentation of evidence by the said party shall proceed *ex parte* and the absent counsel shall be deemed to have waived his right to cross-examine the witness/es presented at that scheduled hearing.

Sec. 23. **Appearance and Withdrawal of Counsel.** - A counsel shall manifest in writing his appearance either for the complainant or the respondent, stating his full name, current Integrated Bar of the Philippines receipt, Roll of Attorneys and Professional Tax Receipt numbers and complete address where he can be served with notices and pleadings. Any appearance or pleading of a counsel without complying with the above requirements shall not be recognized. Any withdrawal of counsel shall be in writing with the conformity of the party he represents, copy furnished the other party.

Sec. 24. **Request for Subpoena.** - If a party desires the attendance of a witness or the production of documents in a hearing, he shall make a written request to the Commission or the Board for the issuance of the necessary subpoena *ad testificandum* or subpoena *duces tecum*, at least ten (10) days before the scheduled hearing.

Sec. 25. **Issuance of Subpoena.** - The Commission or the Board through the hearing officer may issue the requested subpoena *ad testificandum* to compel the attendance of witness/es or subpoena *duces tecum* to compel the production of documents or things.

Sec. 26. **Decision.** - The Commission or the Board shall decide the case within sixty (60) days from the date of the order admitting the evidence for the respondent. A party may file his memorandum within twenty (20) days from the date of receipt of such order, but shall not in any way extend the sixty (60)-day period for rendering the decision by the Commission or the Board.

The decision shall be in writing and shall be signed by at least a majority of the members of the Commission or the Board, unless a unanimous decision is required by law. It shall contain clearly and distinctly the findings of facts and of law on which the said decision is based. If the complaint is based on a breach of law, rules and regulations or ethics of the profession, the same shall also be stated in the decision.

Sec. 27. **Motion for Reconsideration.** - A party aggrieved by a decision, order or resolution may file a motion for reconsideration thereof within fifteen (15) days from receipt of the decision. Only one motion for reconsideration shall be entertained. A second or subsequent motion for reconsideration shall not be acted upon by the Commission or the Board and shall be considered a mere scrap of paper.

A motion to extend the reglementary period to file a motion for reconsideration shall not be allowed.

No motion for reconsideration shall be entertained unless it be for any of the following causes:

- (a) Fraud, accident, mistake, or excusable negligence which ordinary prudence could not have guarded against and by reason of which the aggrieved party has probably been impaired of his rights;
- (b) Newly discovered evidence which he could not, with reasonable diligence, have discovered and produced at the hearing, and which if presented would probably alter the result;
- (c) Imposition of excessive penalty, or insufficiency of the evidence to justify the decision, or that the decision is against the law or not in accordance with the facts presented.

Sec. 28. **When Motion Deemed Filed.** - A motion for reconsideration sent by mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon.

ARTICLE III VIOLATION OF INSTRUCTIONS TO EXAMINEES, OR LAW, RULES OR REGULATIONS GOVERNING LICENSURE EXAMINATIONS

Sec. 1. **Complainant.** - The complainant shall be the office, section or unit of the Commission which initiates the action or where the respondent-examinee commits an infraction or violation of the law, rules and regulations, instructions or policies of the Commission or the Board.

The administrative investigation against the examinees before the Board shall be without prejudice to the concurrent authority of the Commission to hear and investigate such cases of violations of law, examination rules and regulations or instructions to examinees.

An administrative action against an examinee shall commence with a formal charge which shall be written in a clear, simple and concise language so as to apprise him of the nature and cause of the complaint against him and to enable him to intelligently prepare his defense.

Sec. 2. **Where to File the Complaint.** - The documents showing a violation by an examinee of any law, instructions to examinees or other rules and regulations of the Commission or the Board designed to preserve the integrity and credibility of the licensure examinations may be filed by the Examination Division or the Rating Division of the Licensure Office with the Legal Division of the Central Office, or with the Regional Office of the Commission having territorial jurisdiction over the place where the examinee resides.

Sec. 3. **Administrative Case Number.** - In administrative investigations of violations of law, instructions to examinees or rules and regulations governing examinations, the administrative case number shall be prefixed with a letter "L" (e.g. L-06-1).

Sec. 4. **Action on the Complaint.** - On the basis of the documents submitted to the Legal Division, the Commission or the Board shall issue the formal charge requiring the examinee to file his counter-affidavit or verified answer with documentary evidence and affidavit/s of witness/es, if any, for his defense, within fifteen (15) days from his receipt thereof. The counter-affidavit or verified answer shall include a statement indicating whether or not he elects a formal investigation or waives his right thereto and submits the case for decision based on the evidence on hand.

Upon issuance of a formal charge, the results of the examination taken by the examinee shall be withheld pending the outcome of the investigation. In case the results of the examination have been released and he passes the examination, he shall not be permitted to take an oath and register in the roll of professionals. In any event, a successful examinee shall not be allowed to register and be issued a certificate of registration or license to practice his/her profession during the pendency of such investigation.

Sec. 5. **Service of Formal Charge.** - The formal charge shall be served through registered mail on the declared permanent address of the examinee in his Computerized Application Form (CAF)/Action Sheet, Permanent Examination and Registration Record Card (PERRC) and Identification Answer Sheets for the particular licensure examination. Service by registered mail at such address shall be complete upon actual receipt by the examinee, but if he fails to claim his mail from the post office, service shall take effect upon the expiration of five (5) days from the date of first notice of the postmaster.

Sec. 6. **Counter-Affidavit or Verified Answer.** - The counter-affidavit or verified answer which shall be filed by the examinee shall include the documentary evidence, affidavit/s of witness/es and statement mentioned in Sec. 4 hereof.

Sec. 7. **Failure to File a Counter-Affidavit or Verified Answer.** - Failure of the examinee to file his counter-affidavit or verified answer within fifteen (15)

days from his receipt of the formal charge shall be construed as a waiver thereof and Commission or the Board shall render a decision based on the complaint and documentary evidence.

Sec. 8. **Proceedings.** - In Regional Offices where there is a lawyer of the Commission, the appointment of a special prosecutor shall be dispensed with and the lawyer shall proceed with the hearing of the case by receiving the evidence of the examinee. The proceedings shall be recorded. Whenever applicable, the procedures provided under Article II of these Rules shall be observed.

Sec. 9. **Promulgation of the Decision.** - The Commission or the Board shall render the decision within sixty (60) days from the date of service of the formal charge, should the examinee waive a formal investigation, or within five (5) months from the date of such service, should the examinee opt for a formal investigation.

ARTICLE IV APPEAL

Sec. 1. **Appeal; Period Non-Extendible.** - The decision, order or resolution of the Board shall be final and executory after the lapse of fifteen (15) days from receipt of the decision, order or resolution without an appeal being perfected or taken by either the respondent or the complainant. A party aggrieved by the decision, order or resolution may file a notice of appeal from the decision, order or resolution of the Board to the Commission within fifteen (15) days from receipt thereof, and serving upon the adverse party a notice of appeal together with the appellant's brief or memorandum on appeal, and paying the appeal and legal research fees. Failure to serve upon the adverse party the notice of appeal and the appellant's brief or memorandum on appeal within the reglementary period to appeal shall be a ground for the dismissal of the appeal.

The filing of a motion for reconsideration suspends the running of the reglementary period of fifteen (15) days to appeal. The running of the appeal period resumes from the date the appellant receives an order from the Board denying his motion for reconsideration.

The period for perfecting the appeal shall be non-extendible.

Sec. 2. **Appeal and Legal Research Fees.** - Upon filing of the notice of appeal, the appellant shall pay the appeal and legal research fees. Failure to pay the appeal and legal research fees within the period for appeal shall be a ground for the dismissal of the appeal.

Sec. 3. **When Appeal Deemed Filed.** - A notice of appeal sent by mail shall be deemed filed on the date shown by the postmark on the envelope which shall be attached to the records of the case and in case of personal delivery, the date stamped thereon.

Sec. 4. **Evaluation of Appeal.** - Before a decision, order or resolution rendered by the Board is elevated on appeal to the Commission, the Board shall, through the lawyer assigned to the case, first ascertain whether or not the notice of appeal together with the appellant's brief or memorandum on appeal was filed and the appeal and legal research fees were paid within the reglementary period of fifteen (15) days.

If the notice of appeal together with the appellant's brief or memorandum on appeal was filed and/or the appeal and legal research fees were paid out of time, the Board shall issue an order denying the appeal and the records of the case shall be consigned to the archives.

If the notice of appeal together with the appellant's brief or memorandum on appeal was filed and the appeal and legal research fees were paid within the reglementary period, the Board shall issue an order giving due course to the appeal and the records of the case shall be forwarded to the Commission with a transmittal form.

Sec. 5. **When Appeal Perfected.** - To perfect an appeal, the appellant shall file the following within fifteen (15) days from receipt of the Board's decision, order or resolution appealed from:

- a. Notice of appeal which shall state the specific material dates showing that it was filed on time;
- b. Three (3) legible copies of appellant's brief or memorandum on appeal which shall set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, allegedly committed by the Board and the reasons or arguments relied upon for the allowance of the appeal;
- c. Affidavit of proof of service of a copy of the appellant's brief or memorandum on appeal upon the adverse party; and
- d. Official receipt of payment of the appeal and legal research fees attached to the notice of appeal.

Failure of the appellant to comply with any of the foregoing requirements shall be a sufficient ground for the dismissal of the appeal.

Sec. 6. **Elevation of the Records to the Commission.** - The docket officer of the Legal Division shall forward to the Commission the complete records of the case within five (5) days after the appeal is perfected. The records of the case shall be in two (2) folders containing one (1) copy each of the papers or documents of the case.

Prior to transmittal to the Commission, the complete records of the case shall have a table of contents, chronologically arranged and numerically paged or numbered starting with the first page of the complaint or the document in support of the formal charge as number one (1), and successively in accordance with the date the document was placed on file or received by the Legal Division. The same shall be securely bound to prevent any loss of document. Return cards (evidence of mailing to the counsel of record or to the party if not represented by counsel) shall be attached to the corresponding document. In the absence of the return card, a certification as to the exact date of receipt of the document shall be secured from the postmaster. The person in charge of the transmittal of the complete records shall be held responsible for any loss or suppression of any parts or pages thereof.

Sec. 7. **Action on the Appeal.** - The adverse party may be required to submit an appellee's brief within fifteen (15) days from receipt of the order from the Commission. Thereafter, the appeal shall be considered submitted for decision or resolution.

Sec. 8. **Decision on Appeal.** - The Commission shall render a decision or resolution within sixty (60) days from receipt of the appellee's brief or upon the

expiration of the fifteen (15)-day period provided in the immediately preceding section. The decision or resolution of the Commission is final and executory, unless appealed to the Court of Appeals pursuant to Sec. 11 hereof.

Sec. 8. **Transmittal of Decision.** - The signed decision or resolution shall then be forwarded to the Office of the Assistant Commissioner who shall sign the transmittal letter for the Commission.

Sec. 9. **Records on Appeal.** - The records of the case shall remain with the Commission until the decision or resolution becomes final and executory.

Sec. 10. **Execution.** - After the decision has become final and executory, the records of the case shall be transmitted to the Board for execution or implementation.

After execution of the decision, the records of the case shall be forwarded to the Legal Division for consignment to the archives.

Sec. 11. **Petition for Review with the Court of Appeals.** - A party may appeal the decision of the Commission to the Court of Appeals by way of a petition for review under Rule 43 of the Rules of Court.

In the event the decision or the resolution of the Commission is elevated to the Court of Appeals or Supreme Court, the records of the case shall be forwarded by the Commission to the appellate court as and when required. However, in case the records of the case have been placed at the archives, the Legal Division shall be responsible for transmitting the records to the appellate court.

ARTICLE V EXECUTION OF DECISION, ORDER AND RESOLUTION

Sec. 1. **Execution.** - Execution shall issue only upon a decision, order or resolution that finally disposes of the action or proceeding. Such execution shall issue as matter of right upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

Sec. 2. **Legal Division to Execute.** - Decisions, orders or resolutions of the Commission or the Board which have become final and executory shall be immediately enforced and executed by the Legal Division, in coordination with the concerned Accredited Professional Organizations and government agencies.

Sec. 3. **Surrender of Certificate of Registration/License and Professional Identification Card.** - The Chairman of the concerned Board or a member of the Board designated by the Chairman, shall sign the certification attesting to the surrender of the Certificate of Registration/License and Professional Identification Card of a professional who has been found liable for the offense or violation charged and ordered to surrender said Certificate and Identification Card in a final and executory decision. The Boards shall be responsible for the safekeeping of the surrendered Certificates of Registration/Licenses and Professional Identification Cards.

ARTICLE VI
INVESTIGATION AGAINST BOARD MEMBERS

Sec. 1. **Complaint.** - The Commission may, at its own instance or upon a verified complaint of any interested person, initiate and conduct an administrative investigation against any member of the Boards for neglect of duty, incompetence, unprofessional, unethical, immoral or dishonorable conduct, commission of irregularities in the licensure examinations which taint or impugn the integrity and credibility of the results of the said examinations, or for such other causes as provided by law.

Sec. 2. **Rules.** - The rules of procedure in Article II hereof shall govern the investigation of cases against the members of the Boards.

ARTICLE VII
INTERNAL BUSINESS

Sec. 1. **Report.** - Lawyers of the Commission and the Directors or Officers-in-Charge of the Regional Offices shall submit to the Commission within five (5) days after the end of every two (2) months a report on the status of all pending cases handled by them in a form prescribed by the Commission. The Board shall likewise submit to the Commission within five (5) days after the end of every two (2) months a certification stating that they have terminated the cases before them within the period mandated under these Rules, and if not, the reason/s for the delay.

Sec. 2. **Docket and Legal Research Fees in the Central Office.**
- Upon filing of the complaint, the complainant shall pay the docket and legal research fees. After payment, an administrative case number shall be assigned to the complaint prefixed with the last two (2) numbers of the year it is filed (e.g. 06-1), and a verification slip shall be attached thereto stating therein whether or not the person complained of is an applicant/examinee of any of the licensure examinations given by the Boards or a professional registered/licensed with the Commission or a professional issued a temporary or special permit, or a member of the Board.

Sec. 3. **Docket and Legal Research Fees in the Regional Office.** - After payment of the docket and legal research fees, an administrative case number shall be assigned to the complaint prefixed with "the first three (3) letters of the place where the Regional Office is located, thus: BAG (Baguio), TUG (Tuguegarao), LEG (Legaspi), CEB (Cebu), ILO (Iloilo), TAC (Tacloban), CAG (Cagayan de Oro), DAV (Davao), ZAM (Zamboanga), LUC (Lucena) and the last two (2) numbers of the year it is filed.

Example: A. For registered professionals and holders of temporary or special permits:

BAGUIO

ADMINISTRATIVE CASE NO. BAG-06-1

B. For examinees or applicants for licensure examinations:

ADMINISTRATIVE CASE NO. L-BAG-06-1

Sec. 4. **Administrative Case Number of Appealed Cases.** - After payment of an appeal and legal research fees, an administrative case number shall be assigned to the appealed case prefixed with letter "A" and last two (2) numbers of the year it is filed (E.g. A-06-1).

Sec. 5. **Records.** - Complaints received by the Regional Office shall be recorded in a logbook. The logbook shall contain the full names and addresses of the complainant and the respondent, the Board regulating the profession to which the respondent belongs, the date when the complaint was received by the Regional Office, and the charge against the respondent. In addition, the logbook shall contain information as to whether the complaint was directly filed with the Regional Office or indorsed by the Central Office, the administrative case number and the date of filing. The Regional Office shall establish and maintain a computerized record system of cases. The Legal Division of the Central Office shall likewise maintain a record of cases forwarded to the Regional Office.

All documents and pleadings filed by the parties with the Regional Office, including the transcripts of the stenographic notes, minutes of the proceedings and other papers and documents prepared by the Regional Office shall be at least in duplicate, chronologically and systematically arranged.

Sec. 6. **Jurisdiction.** - The Legal Division of the Central Office shall ensure that the concerned Board has jurisdiction over the person of the respondent by determining whether he is a registered professional, a holder of temporary or special permit or has applied with or taken any of the licensure examination administered by the Commission, and over the subject matter of the complaint, prior to indorsing the case to the Regional Office. Indorsed complaints shall be docketed in the Regional Office concerned.

If the concerned Board has jurisdiction over the person of the respondent and over the subject matter of the complaint, the Regional Office shall proceed with the case in accordance with these Rules.

Sec. 7. **Decisions on Cases against Professionals.** - In case the Regional Office has a lawyer or its Director or Officer-in-Charge is a lawyer, he shall draft the decisions, orders or resolutions in the administrative cases against professionals or holders of temporary or special permits and forward them to the Central Office for consideration of the Board within sixty (60) days from the submission of respondent's formal offer of evidence or from the expiration of the period for such submission. Thereafter, the decisions, orders or resolutions as approved and signed by the Board shall be sent back to the Regional Office for transmittal to the parties through their respective lawyers. A party aggrieved by the decision, order or resolution may file a motion for reconsideration or a notice of appeal with the Regional office.

Sec. 8. **Decisions on Cases against Examinees.** - Decisions, orders or resolutions on administrative cases against examinees shall be signed only by the Director or Officer-in-Charge of the Regional Office, except those that exonerate the examinees which shall first be cleared with the Commission Proper before being signed by the Director or Officer-in-Charge and sent to the examinees.

**ARTICLE VIII
SEPARABILITY CLAUSE**

If any provision or part of the Rules is declared invalid or unconstitutional by a competent authority, the other provisions or parts of the Rules not affected shall remain in full force and effect.

**ARTICLE IX
REPEALING CLAUSE**

Repeal of Arts. IV, V, VI and VII of the Rules and Regulations Governing the Regulation and Practice of Professionals issued on January 5, 1988 under Presidential Decree No. 223 and its amendments, Resolution No. 174, Series of 1990, Resolution No. 233-A, Series of 2004 and the implementing rules and regulations on administrative investigations of the professional regulatory laws.

**ARTICLE X
EFFECTIVITY**

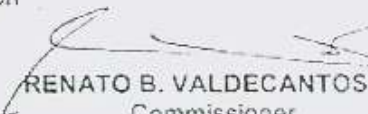
The Rules shall take effect after 15 days from publication in the Official Gazette or in a newspaper of general circulation.

Let copies of this Resolution be furnished the U.P. Law Center.

Promulgated on the 22nd day of June, 2006, in the City of Manila, Philippines.


LEONOR TRIPÓN-ROSERO
Chairperson


AVELINA A. DE LA REA
Commissioner


RENATO B. VALDECANTOS
Commissioner

**LEONOR TRIPÓN-ROSERO
Chairperson**

**AVELINA A. DE LA REA
Commissioner**

**RENATO B. VALDECANTOS
Commissioner**