



HOUSE OF REPRESENTATIVES

H. No. 7572

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ZUBIRI, AQUINO (A.), SANDOVAL II, PALMA GIL, MORENO,
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FAJARDO, FARIÑAS, FORTUNO, GARCIA (S.) JR., GUNIGUNDO I,
ORTEGA, OSABEL, PILAPIL, RODRIGUEZ (O.), SARENAS, SUPLICO,
UNDE, VALERA, VILLAR JR. AND YAPHIA JR., PER COMMITTEE
REPORT NO. 305

AN ACT MODERNIZING THE PROFESSIONAL REGULATION COMMISSION, REPEALING FOR THE PURPOSE PRESIDENTIAL DECREE NUMBERED TWO HUNDRED AND TWENTY-THREE, ENTITLED "CREATING THE PROFESSIONAL REGULATION COMMISSION AND PRESCRIBING ITS POWERS AND FUNCTIONS," AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 SECTION 1. *Title.* – This Act shall be called the "PRC
2 Modernization Act of 1999."

3 SEC. 2. *Statement of Policy.* – The State recognizes the important
4 role of professionals in nation-building and, towards this end, promotes the
5 sustained development of a reservoir of professionals whose competence
6 has been determined by honest and credible licensure examinations and
7 whose standards of professional service and practice are internationally
8 recognized and considered world-class brought about by regulatory
9 measures, programs and activities that foster professional growth and
10 advancement.

11 SEC. 3. *Professional Regulation Commission.* – There is hereby
12 created a three-man commission to be known as the Professional
13 Regulation Commission, hereinafter referred to as the Commission, which
14 shall be attached to the Office of the President for general direction and
15 coordination.

16 SEC. 4. *Composition.* – The Commission shall be headed by one (1)
17 full-time chairman and two (2) full-time commissioners all to be appointed
18 by the President for a term of six (6) years without reappointment to start

1 from the time they assume office. Appointment to a vacancy that occurs
 2 before the expiration of the term of a commissioner shall cover only the
 3 unexpired term of the immediate predecessor. At the expiration of the
 4 term of the chairman, the most senior of the commissioners shall
 5 temporarily assume and perform the duties and functions of the chairman
 6 until a permanent chairman is appointed by the President.

7 No person shall be appointed chairman or commissioner unless he is
 8 at least forty (40) years of age, is a professional with a valid certificate of
 9 registration and a valid professional license, familiar with the principles
 10 and methods of professional regulation and/or licensing and has at least
 11 five (5) years of executive or management experience: *Provided, That,*
 12 one (1) of the commissioners must be a past chairman/member of a
 13 Professional Regulatory Board.

14 *SEC. 5. Exercise of Powers and Functions of the Commission. –*
 15 The chairman and commissioners shall sit and act as a body to exercise
 16 general administrative, executive and policy-making functions of the
 17 Commission. The Commission shall establish and maintain a high
 18 standard of admission to the practice of all professions and at all times
 19 ensure and safeguard the integrity of all licensure examinations.

20 The chairman shall act as the presiding and chief executive officer
 21 of the Commission. As presiding officer, he shall preside over the
 22 meetings of the Commission sitting as a collegial body. As chief executive
 23 officer of the Commission, he shall be responsible for the implementation

1 of the policies of, and the programs adopted by, the Commission for the
2 general administration of the Commission.

3 SEC. 6. *Compensation and Other Benefits.* – The chairman and the
4 commissioners shall receive compensation and allowances equivalent to
5 that of a department undersecretary while the commissioners shall receive
6 compensation and allowances equivalent to that of an assistant secretary.
7 The chairman and the members of the Commission shall be entitled to
8 retirement benefits provided under Republic Act Numbered One thousand
9 five hundred and sixty-eight, as amended by Republic Act Numbered
10 Three thousand five hundred and ninety-five.

11 SEC. 7. *Powers of the Commission.* – The powers of the
12 Commission are as follows:

13 (a) To administer, implement and enforce the regulatory policies of
14 the national government with respect to the regulation and licensing of the
15 various professions and occupations under its jurisdiction including the
16 maintenance of professional and occupational standards and ethics and the
17 enforcement of the rules and regulations relative thereto;

18 (b) To perform any and all acts, enter into contracts, make such
19 rules and regulations and issue such orders and other administrative
20 issuances as may be necessary in the execution and implementation of its
21 functions and the improvement of its services;

22 (c) To review, coordinate, integrate and approve the policies,
23 resolutions, rules and regulations, orders or decisions promulgated by the
24 various boards with respect to the profession or occupation under their

1 jurisdictions including the results of their licensure examinations but their
 2 decisions on administrative cases shall be final and executory unless
 3 appealed to the Commission within thirty (30) days from the date of
 4 promulgation thereof;

5 (d) To administer and conduct the licensure examinations of the
 6 various regulatory boards in accordance with the rules and regulations
 7 promulgated by the Commission; determine and fix the places and dates of
 8 examinations: *Provided, That,* when there are two (2) or more
 9 examinations given in a year, at least one (1) examination shall be held on
 10 weekdays (Monday to Friday): *Provided, further, That,* if only one (1)
 11 examination is given in a year, this shall be held only on weekdays;
 12 appoint supervisors and room watchers from among the employees of the
 13 government or private individuals with baccalaureate degrees, who have
 14 been trained by the Commission for the purpose and who shall be entitled
 15 to a daily allowance not to exceed the daily rate of Salary Grade 10 for
 16 every examination day actually attended; use the buildings and facilities of
 17 public and private schools and other similar facilities, publicly or privately
 18 owned, for examination purposes; approve the results of examinations and
 19 the release thereof; publish the list of successful examinees; provide
 20 schools, colleges and universities, public and private, offering courses for
 21 licensure examinations, with copies of test questions on examinations
 22 recently conducted by the Commission and copies of the syllabi or terms
 23 of specifications of subjects for licensure examinations; adopt measures to
 24 preserve the integrity and inviolability of licensure examinations;

1 (e) To keep and maintain a register of the authorized practitioners
 2 of the profession or occupation; approve certificates of registration or
 3 licenses signed by all the members of the Board concerned with the official
 4 seal of the Board affixed thereto, and issue professional licenses to practice
 5 a particular profession, bearing the chairman's name and signature, the
 6 licensee's name and picture, registration number and expiry date thereof,
 7 except to marine deck and engineer officers who shall be issued
 8 certificates of competency by the Board and endorsement only by the
 9 Commission: *Provided*, That, a privilege tax receipt (PTR) shall not be
 10 issued to a registered professional unless he shall have presented a valid
 11 and current professional license;

12 (f) To have custody of all the records of the various boards,
 13 including examination papers, minutes of deliberation, records of
 14 administrative cases and investigations and examination results for control
 15 and disposition;

16 (g) To determine and fix the amount of fees to be charged and
 17 collected for examination, registration, registration without examination,
 18 annual license, certification, docket, appeal, replacement, accreditation,
 19 including surcharges and other fees not specified under the provisions of
 20 Republic Act Numbered Four Hundred Sixty-Five, as amended by
 21 Republic Act Numbered Sixty-Five Hundred and Eleven or to charge and
 22 collect reasonable fees at the rates higher than the rates provided
 23 thereunder subject to the approval by the Office of the President;

1 (h) To appoint, subject to the provisions of Civil Service Law and
 2 Rules, officials and employees of the Commission necessary for the
 3 effective performance of its functions and responsibilities; prescribe their
 4 duties and fix their compensation subject to the provisions of Republic Act
 5 Numbered Six Thousand Seven Hundred and Fifty-Eight and other
 6 existing laws, and grant allowances including other fringe benefits; to
 7 assign or reassign personnel as the exigency of the service requires; to
 8 organize or reorganize the structure of the Commission in accordance with
 9 Section 8 hereof; create or abolish positions or change the designation of
 10 existing positions in accordance with a staffing pattern prepared by it and
 11 approved by the Office of the President upon the recommendation of the
 12 Department of Budget and Management (DBM) to meet the changing
 13 conditions or as the need arises: *Provided, That, such changes shall not*
 14 *affect the employment status of the incumbents, reduce their ranks and/or*
 15 *salaries nor shall result in their separation from the service;*

16 (i) To submit and recommend to the President of the Philippines
 17 nominees for appointment as members of the various professional
 18 regulatory boards from among the respected members in good standing
 19 nominated by the bonafide professional organizations accredited by the
 20 Commission to fill up existing or probable vacancies;

21 (j) Upon recommendation of the Professional Regulatory Board, to
 22 approve the registration of and authorize the issuance of a certificate of
 23 registration and professional license with or without examination to a
 24 foreigner, who is registered under the laws of his country and whose

1 certificate of registration and professional license have not been suspended
2 or revoked: *Provided*, That, the requirements for the registration or
3 licensing in said foreign state or country are substantially the same as those
4 required and contemplated by the laws of the Philippines and that the laws
5 of such foreign state or country allow the citizens of the Philippines to
6 practice the profession on the same basis and grant the same privileges as
7 those enjoyed by the subjects or citizens of such foreign state or country:
8 *Provided, further*, That, the foreign applicant shall submit competent and
9 conclusive documentary evidence, confirmed by the Department of
10 Foreign Affairs showing that his country's existing laws permit citizens of
11 the Philippines to practice the profession under the laws and rules and
12 regulations governing citizens thereof: *Provided, finally*, That, the
13 Commission may, upon recommendation of the Board and after
14 consultation with the accredited professional organization concerned,
15 authorize the issuance of a temporary or special permit for not more than
16 one (1) year, subject to renewal, to practice the profession, to any foreigner
17 regardless of whether or not reciprocity exists in the practice of his
18 profession between his country and the Philippines under such conditions
19 as may be determined by the Commission, if such foreigner is
20 internationally known to be an outstanding expert in his chosen profession
21 or a well-known specialist in any of its branches, and that his services are
22 urgently necessary either for lack or inadequacy of local experts or if such
23 foreign professionals are on a mission in the Philippines to render free
24 professional services;

1 (k) To supervise and control foreign nationals who are authorized
2 by existing laws or granted special permits or holders of professional
3 license and certificate of registration to practice their profession
4 temporarily in the Philippines, to see to it that the terms and conditions for
5 their practice or of their employment are strictly observed and adhered to.
6 The Commission shall likewise supervise and control professionals who
7 were former citizens of the Philippines and who have previously passed
8 Philippine licensure examination for the practice of their profession, who
9 may, while in the country on a visit, sojourn or permanent residence,
10 practice their profession: *Provided*, That, prior to the practice of their
11 profession, they shall have first registered with the Commission and have
12 paid the proper professional license fee;

13 (l) In consultation with the Professional Regulatory Board
14 concerned, to recommend to the Commission on Higher Education
15 (CHED) the revision or amendment of the curricula of collegiate
16 professional courses, the completion of or graduation from which shall be
17 a prerequisite for admission to the licensure examination and to the
18 practice of the profession concerned, and in coordination with CHED,
19 assess the performance of the graduates of schools, colleges and
20 universities in licensure examinations;

21 (m) To exercise administrative supervision over the members of the
22 various professional regulatory boards;

1 (n) To promulgate such rules and regulations as may be necessary
2 to effectively implement policies with respect to the regulation and
3 practice of the professions;

4 (o) To adopt a program for the full computerization of all licensure
5 examinations given by the various professional regulatory boards
6 including the registration of professionals and other operations of the
7 Commission;

8 (p) To hear and decide administrative cases against officials and
9 employees of the Commission who have violated the civil service law and
10 rules and regulations issued thereunder: *Provided*, That, only decisions
11 rendered imposing penalties of suspension exceeding thirty (30) days or a
12 fine in an amount exceeding thirty (30) days salary may be appealed to the
13 Civil Service Commission within fifteen (15) days from receipt of a copy
14 of the decision;

15 (q) To conduct investigation *motu proprio* or upon complaint under
16 oath by an aggrieved party against members of the professional regulatory
17 boards for neglect of duty, incompetence, unprofessional, unethical,
18 immoral or dishonorable conduct, commission of irregularities in the
19 licensure examinations which taint or impugn the integrity and authenticity
20 of the results of the said examinations and, if found guilty, to suspend or
21 revoke their certificates of registration and professional licenses and to
22 recommend to the President of the Philippines their suspension or removal
23 from office as the case may be;

1 (r) To issue summons, *subpoena* and *subpoena duces tecum* in
2 connection with the investigation of cases against officials and employees
3 of the Commission and the members of the Professional Regulatory
4 Boards;

5 (s) To hold any person for direct or indirect contempt upon any of
6 the grounds provided in Rule 71 of the Rules of Court as are applicable to
7 the Commission or its hearing officers and impose the penalty therefor;

8 (t) To call upon or request any department, instrumentality, office,
9 bureau, institution or agency of the government including local
10 government units to render such assistance as it may require, or to
11 coordinate or cooperate in order to carry out, enforce or implement the
12 professional regulatory policies of the government or any program or
13 activity it may undertake pursuant to the provisions of this Act;

14 (u) To initiate an investigation, upon complaint under oath by an
15 aggrieved party, of any person, whether a private individual or a
16 professional, local or foreign, who practices the regulated profession or
17 occupation without being authorized by law, or without being registered
18 with and licensed by the concerned regulatory board and issued the
19 corresponding license or temporary or special permit, or who commits any
20 of the prohibited acts provided in the regulatory laws of the various
21 professions, which acts are criminal in nature, and, if the evidence so
22 warrants, to forward the records of the case to the office of the city or
23 provincial prosecutor for the filing of the corresponding information in

1 court by the lawyers of the legal services of the Commission who may
2 prosecute said case/s upon being deputized by the Secretary of Justice; and

3 (v) To perform such other functions and duties as may be necessary
4 to carry out the provisions of this Act, the various professional regulatory
5 laws, decrees, executive orders and other administrative issuances.

6 SEC. 8. *Offices in the Commission.* – The Commission and the
7 various professional regulatory boards shall carry out their functions
8 through the offices of the Chairman of the Commission; the
9 commissioners; assistant commissioner/s; the Secretary of the
10 Commission; the Secretary of the professional regulatory boards; the
11 director for legal services; the director for licensure; the director for
12 regulation and enforcement; the director for international affairs; the
13 director for financial management; the director for administrative services;
14 the director for information technology; the director for professional
15 teachers, and the regional directors. The chairman and commissioners,
16 assistant commissioner/s, directors of offices, chief professional regulation
17 officers, supervising professional regulation officers, legal officers and/or
18 attorneys and administrative officer V of the Commission are authorized to
19 administer oaths.

20 SEC. 9. *Powers, Functions and Responsibilities of the Various*
21 *Professional Regulatory Boards.* – The various professional regulatory
22 boards shall retain the following powers, functions and responsibilities in
23 addition to those provided under their respective professional laws:

1 (a) To regulate the practice of the professions in accordance with
2 the provisions of their respective professional regulatory laws;

3 (b) To monitor the conditions affecting the practice of the
4 profession or occupation under their respective jurisdictions and whenever
5 necessary, adopt such measures as may be deemed proper for the
6 enhancement of the profession or occupation and/or the maintenance of
7 high professional, ethical and technical standards, and for this purpose, the
8 members of a board may, upon request duly granted by the Commission,
9 personally or through responsible employees of the Commission, conduct
10 ocular inspection or visit industrial, mechanical, electrical or chemical
11 plants or establishments, schools, hospitals, clinics, in cases of complaints,
12 whether under oath or not; laboratories, testing facilities, mines and
13 quarries and other engineering works where registered professionals are
14 employed for the purpose of determining compliance with the provision of
15 laws relative to the practice of the profession or occupation or as an aid in
16 formulating policies relative thereto in accordance with the established
17 policies promulgated by the Commission;

18 (c) To hear or investigate cases administrative or criminal arising
19 from violations of their respective laws, the rules and regulations
20 promulgated thereunder and their codes of ethics and, for this purpose,
21 may issue summonses, *subpoena* and *subpoena duces tecum* to alleged
22 violators and/or witnesses to compel their attendance in such investigations
23 or hearings: *Provided, That*, the decision of the Professional Regulatory

1 Board shall, unless appealed to the Commission, become final and
2 executory after fifteen (15) days from notice of judgment or decision;

3 (d) To delegate the hearing or investigation of administrative cases
4 filed before them except in cases where the issue involved strictly concerns
5 the practice of the profession or occupation, in which case, the hearing
6 shall be presided over by at least one (1) member of the board concerned
7 assisted by a legal or hearing officer of the Commission;

8 (e) To conduct, through the legal officers/attorneys of the
9 Commission, summary proceedings on violations of their respective
10 regulatory laws and the corresponding rules and regulations issued by the
11 boards to implement their respective laws, including violations of the
12 general instructions to examinees committed by examinees, and render
13 summary judgment thereon which shall, unless appealed to the
14 Commission, become final and executory after fifteen (15) days from
15 notice of decision or judgment;

16 (f) Subject to review by the Commission, to approve registration
17 without examination and the issuance of corresponding certificate of
18 registration;

19 (g) After due process, to suspend, revoke or reissue, reinstate
20 certificates of registration or licenses for causes provided by law;

21 (h) To prepare, adopt and issue the syllabi or tables of
22 specifications of the subjects for examinations in consultation with the
23 academe; determine and prepare the questions for the licensure
24 examinations which shall strictly be within the scope of the syllabus or

1 table of specifications of the subject for examination and subject to review
 2 by experts in accordance with rules and regulations issued by the boards
 3 and approved by the Commission; in case of a specialized subject, to hire a
 4 test writer to be paid per item at such rate to be fixed by the Commission;
 5 score and rate the examination papers with the name and signature of the
 6 Board member concerned appearing thereon and submit the results in all
 7 subjects duly signed by the members of the Board to the Commission
 8 within ten (10) days from the last day of examination unless extended by
 9 the Commission for justifiable cause/s; and subject to the approval by the
 10 Commission, determine the appropriate passing general average rating in
 11 an examination if not provided for in the law regulating the profession; and

12 (i) To prepare an annual report of accomplishments on programs,
 13 projects and activities of the Board for submission to the Office of the
 14 President, through the Commission, within thirty (30) days after the close
 15 of each calendar year and make appropriate recommendations on issues or
 16 problems affecting the profession.

17 SEC. 10. *Compensation of the Members of the Professional*
 18 *Regulatory Boards.* – The members of all the professional regulatory
 19 boards shall receive a monthly compensation equivalent to the monthly
 20 salary of the position with a Salary Grade of 28: *Provided,* That the
 21 chairman shall each receive a monthly compensation higher by ten percent
 22 (10%): *Provided, further,* That they shall receive other benefits that may
 23 be provided by law: and *Provided, finally,* That the members of the
 24 Professional Regulation’s Regulatory Board shall be limited to the private

1 practice of his/her profession of not more than five (5) hours every day
2 after securing the authority of the Commission.

3 SEC. 11. *Persons Qualified to Teach Subjects for Licensure*
4 *Examination in all Professions.* – In addition to the faculty qualification
5 requirement, all schools, colleges and universities, public and private, shall
6 ensure that subjects for licensure examinations shall be taught by persons
7 who are holders of valid certificates of registration and valid professional
8 licenses.

9 SEC. 12. *Assistance of Law Enforcement Agency.* – Any law
10 enforcement agency shall, upon call or request of the Commission or of
11 any Professional Regulatory Board, render assistance in enforcing the
12 regulatory law of the profession including the rules and regulations
13 promulgated thereunder by prosecuting the violators thereof in accordance
14 with law and the rules of court.

15 SEC. 13. *Appropriations.* – The amount necessary to carry out the
16 initial implementation of this Act shall be charged against the current
17 year's appropriations of the Professional Regulation Commission.
18 Thereafter, such sums as may be necessary for the continued
19 implementation of this Act including the requirements for the construction
20 of the PRC building and examination centers shall be included in the
21 succeeding General Appropriations Act.

22 SEC. 14. *Authority to Use Income.* – In addition to the annual
23 appropriations of the Commission provided under the annual General
24 Appropriations Act, the Commission is hereby authorized to use fifty per

1 centum (50%) of its income of two (2) years preceding the fiscal year, for
 2 additional maintenance and other operating expenses and capital outlay
 3 requirements, except collections of oath-taking fees which shall be used by
 4 the concerned regulatory board in connection with the holding of oath-
 5 taking ceremonies of successful examinees, subject to the usual accounting
 6 and auditing requirements.

7 SEC. 15. *Penalties for Manipulation and Other Corrupt Practices*
 8 *in the Conduct of Professional Examinations.* – (a) Any person who
 9 manipulates or rigs licensure examination results, secretly informs or
 10 makes known licensure examination questions prior to the conduct of the
 11 examination or tampers with the grades in professional licensure
 12 examinations shall, upon conviction, be punished by imprisonment of not
 13 less than six (6) years and one (1) day to not more than twelve (12) years
 14 or a fine of not less than Fifty thousand pesos (P50,000.00) to not more
 15 than One hundred thousand pesos (P100,000.00) or both such
 16 imprisonment and fine at the discretion of the court;

17 (b) In case the offender is an officer or employee of the
 18 Commission or a member of the regulatory board, he shall be removed
 19 from office and shall suffer the penalty of perpetual absolute
 20 disqualification from public office and shall suffer the maximum period
 21 the penalties prescribed in the preceding section of this Act;

22 (c) The penalty of imprisonment ranging from four (4) years and
 23 one (1) day to six (6) years or a fine ranging from Twenty thousand pesos
 24 (P20,000.00) to not more than Forty-nine thousand pesos (P49,000.00), or

1 both imprisonment and fine at the discretion of the court, shall be imposed
 2 upon the accomplices. The penalty of imprisonment ranging from two (2)
 3 years and one (1) day to four (4) years or a fine ranging from Five
 4 thousand pesos (P5,000.00) to not more than Nineteen thousand pesos
 5 (P19,000.00), or both imprisonment and fine at the discretion of the court,
 6 shall be imposed upon the accessories.

7 SEC. 16. *Implementing Rules and Regulations.* – Within ninety (90)
 8 days after the approval of this Act, the Professional Regulation
 9 Commission, together with representatives of the various professional
 10 regulatory boards and accredited professional organizations, the
 11 Department of Budget and Management and the Commission on Higher
 12 Education shall prepare the necessary rules and regulations needed to
 13 implement the provisions of this Act.

14 SEC. 17. *Transitory Provision.* – The incumbent commissioner and
 15 the two (2) incumbent associate commissioners shall serve as chairman
 16 and commissioners, respectively, under the terms for which they have been
 17 appointed without need of new appointments. The incumbent executive
 18 director shall likewise serve as assistant commissioner without need of new
 19 appointment.

20 SEC. 18. *Separability Clause.* – If any provision of this Act or the
 21 application of such provision to any person or circumstances is declared
 22 invalid or unconstitutional, the remainder of this Act or application of such
 23 provisions to other persons or circumstance shall not be affected by such
 24 declaration.

1 SEC. 19. *Repealing Clause.* – Presidential Decree No. 223, as
2 amended by Presidential Decree No. 657, Republic Act No. 5181,
3 Presidential Decree No. 541 and Executive Order No. 266 are hereby
4 repealed. All other laws, orders, rules and regulations or resolutions or
5 part/s thereof inconsistent with the provisions of this Act are hereby
6 repealed or amended accordingly.

7 SEC. 20. *Effectivity.* – This Act shall take effect after fifteen (15)
8 days following its publication in the *Official Gazette* or in two (2)
9 newspapers of general circulation, whichever is earlier.

Approved,