

# RECORD OF THE SENATE

WEDNESDAY, OCTOBER 18, 2000

## OPENING OF THE SESSION

At 3:38 p.m., the Senate President, Hon. Franklin M. Drilon, called the session to order.

**The President.** The 29th session of the Third Regular Session of the Eleventh Congress is hereby called to order.

We shall be led in prayer by Sen. Miriam Defensor Santiago.

*Everybody rose for the prayer.*

## PRAYER

**Senator Defensor Santiago.** This is a poem entitled *The Shell* by Amy Carmichael.

Upon the sandy shore an empty shell,  
Beyond the shell infinity of sea;  
O Saviour, I am like that empty shell,  
Thou art the Sea to me.

A sweeping wave rides up the shore, and lo,  
Each dim recess the coiled shell within  
Is searched, is filled, is filled to overflow  
By water crystalline.

Not to the shell is any glory then:  
All glory give we to the glorious sea.  
And not to me is any glory when  
Thou overflowest me.

Sweep over me thy shell, as low I lie;  
I yield me to the purpose of thy will,  
Sweep up, O conquering waves, and purify  
And with thy fullness fill.

Amen.

**The President.** The Secretary will please call the roll.

## ROLL CALL

**The Secretary, reading:**

Senator Teresa Aquino-Oreta .....	**
Senator Robert Z. Barbers .....	Absent***
Senator Rodolfo G. Biazon .....	**
Senator Renato L. Compañero Cayetano ...	Present
Senator Anna Dominique M.L. Coseteng ...	Present

Senator Miriam Defensor Santiago .....	Present
Senator Juan Ponce Enrile .....	Present
Senator Juan M. Flavie .....	Present
Senator Teofisto T. Guingona Jr. ....	Present
Senator Gregorio B. Honasan .....	Present
Senator Robert S. Jaworski .....	**
Senator Loren B. Legarda-Leviste .....	Present
Senator Ramon B. Magsaysay Jr. ....	Present*
Senator Blas F. Ople .....	Present
Senator John Henry R. Osmeña .....	Present
Senator Sergio R. Osmeña III .....	Present*
Senator Aquilino Q. Pimentel Jr. ....	Present
Senator Ramon B. Revilla .....	Present
Senator Raul S. Roco .....	**
Senator Vicente C. Sotto III .....	Present
Senator Francisco S. Tatad .....	Present
The President .....	Present

**The President.** With 15 senators present, the Chair declares the presence of a quorum.

## THE JOURNAL

**Senator Tatad.** Mr. President, I move that we dispense with the reading of the *Journal* of Session No. 28 of Tuesday, October 17, 2000, and consider it approved.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

**Senator Tatad.** I move that we proceed to the Reference of Business.

**The President.** Is there any objection? *[Silence]* There being none, the motion is approved.

The Secretary will read the Reference of Business.

## REFERENCE OF BUSINESS

## COMMUNICATIONS

**The Secretary.** Letter from Executive Secretary Ronaldo B. Zamora of the Office of the President of the Philippines, furnishing the Senate with the following issuances:

Proclamation No. 348, entitled

DECLARING WEDNESDAY, AUGUST 2, 2000,

\* Arrived after the roll call

\*\* On official mission

\*\*\* On account of illness



on the part of the sponsor and the Majority Leader. The period of interpellations is hereby reopened, if there is no objection. *[There was none.]*

**CONFERENCE COMMITTEE REPORT ON  
S. NO. 1271/H. NO. 7572  
(Professional Regulation Commission Act of 2000)**

**Senator Tatad.** Mr. President, I move that we now consider the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1271 and House Bill No. 7572. Copies of this report have been distributed to the members.

**The President.** Consideration of the Conference Committee Report on the disagreeing provisions of Senate Bill No. 1271 and House Bill No. 7572 is in order.

**MOTION OF SENATOR TATAD  
(Explanation of the Bicam on the Disagreeing  
Provisions of S. No. 1271/H. No. 7572 Be Considered  
Read and Reflected in the *Record* and in the *Journal*)**

**Senator Tatad.** Mr. President, I move that we consider the report as having been read and entered in the *Record* with the consent of the Chamber.

**The President.** There is a motion on the part of the Majority Leader that the report and the explanation be considered read into the *Record* and reflected in the *Journal* for today's session. May the Chair hear the chairperson of the committee on this motion of the Majority Leader?

**Senator Coseteng.** Mr. President, we are prepared to read the explanation of the Conference Committee on the disagreeing provisions of Senate Bill No. 1271 and House Bill No. 7572.

**The President.** But since this was distributed already to all the members, does the distinguished chairperson have no objection to the motion of the Majority Leader—

**Senator Coseteng.** There is no problem.

**The President.** —to consider it already read into the *Record* without the chairperson having to physically read it on the floor?

**Senator Coseteng.** There is no problem. Just so as not to delay the proceedings, Mr. President.

**The President.** All right. The explanation is considered read into the *Record*.

**REPORT OF SENATOR COSETENG**

*The following is the written explanation on the disagreeing provisions of S. No. 1271/H. No. 7572:*

**EXPLANATION OF THE CONFERENCE COMMITTEE  
ON THE DISAGREEING PROVISIONS OF  
SENATE BILL NO. 1271 AND HOUSE BILL NO. 7572**

The Conference Committee on the disagreeing provisions of Senate Bill No. 1271 and House Bill No. 7572, after having met and fully discussed the subject matter, hereby report to their respective Houses the following, that:

1. The Senate version was adopted as the working draft;

2. Section 1 (*Title*) House version was adopted, to read:

"The PRC Modernization Act of 2000"

3. The second paragraph of Sec. 4 (*Composition*) was amended, to read:

"The Chairperson or Commissioner shall be at least 40 years of age, holding a valid certificate of registration/professional license and a valid professional identification card or a valid certificate of competency issued by the Commission or a valid professional license issued by any government agency, familiar with the principles and methods of professional regulation and/or licensing and has had at least five years of executive or management experience: *Provided, That, one (1) of the commissioners must be a past Chairperson/member of a Professional Regulatory Board.*"

4. Section 6 (*Compensation and Other Benefits*) is a combination of Senate and House version, to read:

"The Chairperson shall receive compensation and allowances equivalent to that of a Department Secretary while the Commissioners shall receive compensation and allowances equivalent to that of an Undersecretary. The Chairperson and the members of the Commission shall be entitled to retirement benefits provided under Republic Act numbered Fifteen Hundred and Sixty-Eight, as amended by Republic Act Numbered Three Thousand Five Hundred and Ninety-Five."



5. Section 7(d) is a fusion of the Senate and House version with amendments;

6. Section 7(e) of the working draft was amended to read:

"To admit the successful examinees to the practice of the profession or occupation; cause the entry of their names on its registry book and computerized database; issue certificates of registration/professional license, bearing the registrant's name, picture, and registration number, signed by all the members of the Board concerned and the Chairperson, with the official seal of the Board and the Commission affixed thereto which certificate shall be the authority to practice; and at the option of the professional concerned, ministerially issue the professional identification card, to be used solely for the purpose of identification, upon payment of the appropriate amount: *Provided*, That, marine deck and marine engineer officers shall also be issued endorsement certificates exclusively by the Commission pursuant to the 1978 and 1995 Standards of Training, Certification and Watchkeeping (STCW) Convention, to the exclusion of any other government agency, Section 1(2) of Executive Order No. 149, series of 1999 and provisions of other existing laws, executive orders, administrative issuances/regulations to the contrary notwithstanding: *Provided, further*, That, once a certificate of registration/professional license, or certificate of competency, in the case of marine deck and engine officers are issued, this cannot be withdrawn, cancelled, revoked, or suspended except for just cause as may be provided by law after due notice and hearing";

7. On Section 7(g), the word PROFESSIONAL was inserted between the words "examination," and "identification";

8. On the same Section 7(i), the word REGISTERED was inserted between the words "licensed/" and "professionals";

9. On the same Section 7(j) of the working draft, the paragraph was refined and amended, to read:

"Upon recommendation of the Professional Regulatory Board concerned, to approve the registration of and authorize the issuance of a

certificate of registration/license and professional identification card with or without examination to a foreigner who is registered under the laws of his state or country and whose certificate of registration issued therein has not been suspended or revoked; *Provided*, that, the requirements for the registration or licensing in said foreign state or country are substantially the same as those required and contemplated by the laws of the Philippines and that the laws of such foreign state or country allow the citizens of the Philippines to practice the profession on the same basis and grant the same privileges as those enjoyed by the subjects or citizens of such foreign state or country: *Provided, further*, that, the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certificate of registration/license or a special temporary permit to foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; consultants in foreign-funded, joint venture or foreign-assisted projects of the government, employees of Philippine or foreign private firms or institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time: *Provided, finally*, that, agencies, organizations or individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned, shall be responsible for securing a special permit from the Professional Regulation Commission (PRC) and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules;"

10. On the same Section 7(l) the paragraph was revised, to read:

"To supervise foreign nationals who are authorized by existing laws to practice their professions either as holders of a certificate of registration and a professional identification card or a temporary special permit in the Philippines; to ensure that the terms and conditions for their practice or of their employment are strictly complied with; to require the hiring or employing government agency or private entity/institution to secure a temporary special permit from the concerned Board subject to approval by the Commission and to file a criminal complaint against



the head of the government agency or officers of the said private entity/institution, who shall be liable under the penalty provided for in the concerned professional regulatory law or the penalty imposed pursuant to this Act, when the professional was hired and allowed to practice his/her profession without permit; to file upon due process request for deportation with the Bureau of Immigration and Deportation (BID); and to supervise professionals who were former citizens of the Philippines and who had been registered and issued a certificate of registration and a professional identification card prior to their naturalization as foreign citizens, who may, while in the country on a visit, sojourn or permanent residence, practice their profession: *Provided*, that, prior to the practice of their profession they shall have first been issued a special permit and updated professional identification card by the Board concerned subject to approval by the Commission and upon payment of the permit and annual registration fees;"

11. On the same Section 7(m), the paragraph was shortened and modified, to read:

"To monitor the performance of schools in licensure examinations and publish the results thereof in a newspaper of national circulation;"

12. On the same Section 7(s), the phrase IDENTIFICATION CARDS was inserted between the words "licenses/" and "and";

13. On the same Section 7(w), the phrase PROFESSIONAL IDENTIFICATION CARDS was inserted between the words "license/" and "or";

14. Section 8 (*Regional Offices*) of the House version was shortened and modified to read:

"The Commission is hereby authorized to create regional offices as may be necessary to carry out their functions mandated under this Act."

15. Section 9(b) of the working draft was refined, to read:

"To monitor the conditions affecting the practice of the profession or occupation under their respective jurisdictions and whenever

necessary, adopt such measures as may be deemed proper for the enhancement of the profession or occupation and/or the maintenance of high professional, ethical and technical standards, and for this purpose the members of the board duly authorized by the Commission with deputized employees of the Commission, may conduct ocular inspections in industrial, mechanical, electrical or chemical plants or establishments, hospitals, clinics, laboratories, testing facilities, mines and quarries, other engineering facilities and in the case of schools, in coordination with Commission on Higher Education (CHED);"

16. Section 13 (*Appropriations*) of the House version was adopted with modification, to read:

"The amount necessary to carry out the initial implementation of this Act shall be charged against the current year's appropriations of the Professional Regulation Commission. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the succeeding General Appropriations Act."

17. Section 14 (*Authority to Use Income*) of the House version was rehashed and amended to read:

"In addition to the annual appropriations of the Commission provided under the Annual General Appropriations Act, the Commission is hereby authorized to use its income not exceeding the amount of forty-five (45) million pesos a year for a period of five (5) years after the effectivity of this Act to implement the program for full computerization of the operations of the Commission, subject to the usual accounting and auditing requirements."

18. Section 18 (*Penalties for Violations of Sec. 7(l) by Heads of Government Agencies or Officers of Private Entities/Institutions*) was added and the succeeding sections were renumbered accordingly;

19. Section 19 (*Repealing Clause*) of the House version was amended and adopted as Section 20 of the reconciled version;

20. The title of the House version was adopted, to read:

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

In case of conflict between the statements/ amendments stated in this Explanatory Statement and that of the provisions of the reconciled version in the accompanying Conference Committee Report, the provisions of the latter shall prevail.

(Sgd.) ANNA DOMINIQUE M.L. COSETENG  
*Chairperson, Senate Panel*

(Sgd.) HILARION J. RAMIRO JR.  
*Chairman, House Panel*

TWENTY-THREE, AS AMENDED, ENTITLED "CREATING THE PROFESSIONAL REGULATION COMMISSION AND PRESCRIBING ITS POWERS AND FUNCTIONS" AND FOR OTHER PURPOSES,

having met after full and free conference, has agreed to recommend and do hereby recommend to their respective houses, that House Bill No. 7572, in consolidation with Senate Bill No. 1271, be approved in accordance with the attached copy of the bill as reconciled and approved by the conferees:

*CONFEREES ON THE PART OF THE SENATE:*

(Sgd.) HON. ANNA DOMINIQUE M.L. COSETENG

(Sgd.) HON. FRANKLIN M. DRILON

(Sgd.) HON. RAUL S. ROCO

(Sgd.) HON. RAMON B. MAGSAYSAY JR.

(Sgd.) HON. JUAN M. FLAVIER

*CONFEREES ON THE PART OF THE  
HOUSE OF REPRESENTATIVES:*

(Sgd.) HON. HILARION J. RAMIRO JR.

(Sgd.) HON. HARLIN CAST. ABAYON

(Sgd.) HON. ROMUALDO T. VICENCIO

(Sgd.) HON. ELADIO M. JALA

(Sgd.) HON. ERNESTO F. HERRERA

(Sgd.) HON. EDUARDO C. GULLAS

(Sgd.) HON. CARLOS M. PADILLA

(Sgd.) HON. JAMES J. GORDON JR.

(Sgd.) HON. JOSE APOLINARIO L. LOZADA JR.

#### APPROVAL OF CONFERENCE COMMITTEE REPORT ON S. NO. 1271/H. NO. 7572

**Senator Tatad.** I move for the approval of the report, Mr. President.

**The President.** There is a motion to approve the Conference Committee Report. Is there any objection? *[Silence]* There being none, the motion is approved.

*The following is the whole text of the conference committee report on S. No. 1271/H. No. 7572:*

#### CONFERENCE COMMITTEE REPORT

The Conference Committee on the disagreeing provisions of House Bill No. 7572, entitled

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

and Senate Bill No. 1271, entitled

AN ACT FURTHER AMENDING PRESIDENTIAL DECREE NUMBERED TWO HUNDRED AND

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:*

SECTION 1. *Title.* - This Act shall be called the  
"PRC Modernization Act of 2000."

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

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

SEC. 4. *Composition.* - The Commission shall  
be headed by one (1) full-time Chairperson and two  
(2) full-time Commissioners, all to be appointed by the  
President for a term of seven (7) years without  
reappointment to start from the time they assume  
office. Appointments to a vacancy that occurs before  
the expiration of the term of a Commissioner shall  
cover only the unexpired term of the immediate  
predecessor. At the expiration of the term of the  
Chairperson, the most senior of the Commissioners  
shall temporarily assume and perform the duties and  
functions of the Chairperson until a permanent  
Chairperson is appointed by the President.

The Chairperson or the Commissioner shall be at  
least 40 years of age, holding a valid certificate of  
registration/professional license and a valid  
professional identification card or a valid certificate of  
competency issued by the Commission or a valid  
professional license issued by any government agency,  
familiar with the principles and methods of professional  
regulation and/or licensing and has had at least five  
(5) years of executive or management experience:

*Provided, that, one (1) of the Commissioners must be  
a past Chairperson/member of a Professional  
Regulatory Board.*

SEC. 5. *Exercise of Powers and Functions of the  
Commission.* - The Chairperson of the Commission,  
and the Commissioners as members thereof shall sit  
and act as a body to exercise general administrative,  
executive and policy-making functions of the  
Commission. The Commission shall establish and  
maintain a high standard of admission to the practice  
of all professions and at all times ensure and safeguard  
the integrity of all licensure examinations.

The Chairperson shall act as the presiding and  
chief executive officer of the Commission. As  
presiding officer, he/she shall preside over the meetings  
of the Commission sitting as a collegial body. As  
chief executive officer of the Commission, he/she shall  
be responsible for the implementation of the policies  
and the programs adopted by the Commission for the  
general administration of the Commission. He/she  
shall perform such other activities which are necessary  
for the effective exercise of the powers, functions and  
responsibilities of the Commission.

SEC. 6. *Compensation and Other Benefits.* -  
The Chairperson shall receive compensation and  
allowances equivalent to that of a Department Secretary  
while the Commissioners shall receive compensation  
and allowances equivalent to that of an Undersec-  
retary. The Chairperson and the members of the  
Commission shall be entitled to retirement benefits  
provided under Republic Act numbered Fifteen  
Hundred and Sixty-Eight, as amended by Republic  
Act Numbered Three Thousand Five Hundred and  
Ninety-Five.

SEC. 7. *Powers, Functions and Responsibilities  
of the Commission.* - The powers, functions and  
responsibilities of the Commission are as follows:

(a) To administer, implement and enforce the  
regulatory policies of the National Government with  
respect to the regulation and licensing of the various  
professions and occupations under its jurisdiction  
including the enhancement and maintenance of  
professional and occupational standards and ethics  
and the enforcement of the rules and regulations  
relative thereto;

(b) To perform any and all acts, enter into  
contracts, make such rules and regulations and issue



such orders and other administrative issuances as may be necessary in the execution and implementation of its functions and the improvement of its services;

(c) To review, revise and approve resolutions, embodying policies promulgated by the Professional Regulatory Boards in the exercise of their powers and functions or in implementing the laws regulating their respective professions and other official actions on non-ministerial matters within their respective jurisdictions;

(d) To administer and conduct the licensure examinations of the various regulatory boards in accordance with the rules and regulations promulgated by the Commission; determine and fix the places and dates of examinations; use publicly or privately owned buildings and facilities for examination purposes; conduct more than one (1) licensure examination: *Provided*, that, when there are two (2) or more examinations given in a year, at least one (1) examination shall be held on weekdays (Monday to Friday): *Provided*, further, that, if only one (1) examination is given in a year, this shall be held only on weekdays: *Provided*, finally, that, the Commission is also authorized to require the completion of a refresher course where the examinee has failed to pass three (3) times, except as otherwise provided by law; approve the results of examinations and the release of the same; adopt measures to preserve the integrity and inviolability of licensure examinations; appoint supervisors and room watchers from among the employees of the government and/or private individuals with baccalaureate degrees, who have been trained by the Commission for the purpose and who shall be entitled to a reasonable daily allowance for every examination they actually attended, to be determined and fixed by the Commission; publish the list of successful examinees; provide schools, colleges and universities, public and private, offering courses for licensure examinations, with copies of sample test questions on examinations recently conducted by the Commission and copies of syllabi or terms of specifications of subjects for licensure examinations; and impose the penalty of suspension or prohibition from taking licensure examinations to any examinee charged and found guilty of violating the rules and regulations governing the conduct of licensure examinations promulgated by the Commission;

(e) To admit the successful examinees to the practice of the profession or occupation; cause the

entry of their names on its registry book and computerized data base; issue certificates of registration/professional license, bearing the registrant's name, picture and registration number, signed by all the members of the Board concerned and the Chairperson, with the official seal of the Board and the Commission affixed thereto which certificate shall be the authority to practice; and at the option of the professional concerned, ministerially issue the professional identification card, to be used solely for the purpose of identification, upon payment of the appropriate amount: *Provided*, that, marine deck and marine engineer officers shall also be issued endorsement certificates exclusively by the Commission pursuant to the 1978 and 1995 Standards of Training, Certification and Watchkeeping (STCW) Convention, to the exclusion of any other government agency, Section 1(2) of Executive Order No. 149, Series of 1999 and provisions of other existing laws, executive orders, administrative issuances/regulations to the contrary notwithstanding: *Provided*, further, that, once a certificate of registration/professional license, or certificate of competency, in the case of marine deck and engine officers are issued, this cannot be withdrawn, cancelled, revoked, or suspended except for just cause as may be provided by law after due notice and hearing;

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

(g) To determine and fix the amount of fees to be charged and collected for examination, registration, registration without examination, professional identification card, certification, docket, appeal, replacement, accreditation, including surcharges and other fees not specified under the provisions of Republic Act Numbered Four Hundred Sixty-Five as amended by Republic Act Numbered Sixty-Five Hundred and Eleven or to charge and collect reasonable fees at the rates higher than the rates provided thereunder subject to the approval by the Office of the President.

(h) To appoint subject to the Civil Service laws, rules, and regulations, officials and employees of the Commission necessary for the effective performance of its functions and responsibilities; prescribe their duties and fix their compensation subject to the



provisions of Republic Act Numbered Six Thousand Seven Hundred and Fifty-Eight and allowances including other fringe benefits and; to assign and/or reassign personnel as the exigency of the service requires subject to the Civil Service laws, rules and regulations; and to organize or reorganize the structure of the Commission; and create or abolish positions or change the designation of existing positions in accordance with a staffing pattern prepared by it and approved by the Office of the President upon the recommendation of the Department of Budget and Management to meet the changing conditions or as the need arises: *Provided*, that, such changes shall not affect the employment status of the incumbents, reduce their ranks and/or salaries nor shall result in their separation from the service;

(i) To submit and recommend to the President of the Philippines the names of licensed/registered professionals for appointment as members of the various Professional Regulatory Boards from among those nominated to fill up vacancies pursuant to the provisions of Executive Order No. 496, Series of 1991;

(j) Upon recommendation of the Professional Regulatory Board concerned, to approve the registration of and authorize the issuance of a certificate of registration/license and professional identification card with or without examination to a foreigner who is registered under the laws of his state or country and whose certificate of registration issued therein has not been suspended or revoked: *Provided*, that, the requirements for the registration or licensing in said foreign state or country are substantially the same as those required and contemplated by the laws of the Philippines and that the laws of such foreign state or country allow the citizens of the Philippines to practice the profession on the same basis and grant the same privileges as those enjoyed by the subjects or citizens of such foreign state or country: *Provided, further*, that, the Commission may, upon recommendation of the Board concerned, authorize the issuance of a certificate of registration/license or a special temporary permit to foreign professionals who desire to practice their professions in the country under reciprocity and other international agreements; consultants in foreign-funded, joint venture or foreign-assisted projects of the government, employees of Philippine or foreign private firms or institutions pursuant to law, or health professionals engaged in humanitarian mission for a limited period of time: *Provided, finally*, that agencies, organizations or

individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned, shall be responsible for securing a special permit from the Professional Regulation Commission (PRC) and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules;

(k) To authorize any officer of the Commission to administer oaths;

(l) To supervise foreign nationals who are authorized by existing laws to practice their professions either as holders of a certificate of registration and a professional identification card or a temporary special permit in the Philippines; to ensure that the terms and conditions for their practice or of their employment are strictly complied with; to require the hiring or employing government agency or private entity/institution to secure a temporary special permit from the concerned Board subject to approval by the Commission and to file a criminal complaint against the head of the government agency or officers of the said private entity/institution, who shall be liable under the penalty provided for in the concerned professional regulatory law or the penalty imposed pursuant to this Act, when the professional was hired and allowed to practice his/her profession without permit; to file upon due process request for deportation with the Bureau of Immigration and Deportation (BID); and to supervise professionals who were former citizens of the Philippines and who had been registered and issued a certificate of registration and a professional identification card prior to their naturalization as foreign citizens, who may, while in the country on a visit, sojourn or permanent residence, practice their profession: *Provided*, that, prior to the practice of their profession they shall have first been issued a special permit and updated professional identification card by the Board concerned subject to approval by the Commission and upon payment of the permit and annual registration fees;

(m) To monitor the performance of schools in licensure examinations and publish the results thereof in a newspaper of national circulation;

(n) To adopt and institute a comprehensive rating system for universities, colleges and training institutes based on the passing ratio and overall performance of students in board examinations;



(o) To exercise administrative supervision over the various professional regulatory boards and its members;

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

(q) To implement the program for the full computerization of all licensure examinations given by the various professional regulatory boards including the registration of professionals not later than the year 2003 and other operations of the Commission;

(r) To investigate and decide administrative matters involving officers and employees under the jurisdiction of the Commission;

(s) To investigate *motu proprio* or upon the filing of a verified complaint, any member of the Professional Regulatory 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 authenticity of the results of the said examinations and, if found guilty, to revoke or suspend their certificates of registration and professional licenses/identification cards and to recommend to the President of the Philippines their suspension or removal from office as the case may be;

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

(u) To hold in contempt an erring party or person only upon application with a court of competent jurisdiction;

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

(w) To initiate an investigation, upon complaint under oath by an aggrieved party, of any person,

whether a private individual or professional, local or foreign, who practices the regulated profession or occupation without being authorized by law, or without being registered with and licensed by the concerned regulatory board and issued the corresponding license/professional identification card or temporary special permit, or who commits any of the prohibited acts provided in the regulatory laws of the various professions, which acts are criminal in nature, and, if the evidence so warrants, to forward the records of the case to the office of the city or provincial prosecutor for the filing of the corresponding information in court by the lawyers of the legal services of the Commission who may prosecute said case/s upon being deputized by the Secretary of Justice;

(x) To prepare an annual report of accomplishment on the programs, projects and activities of the Commission during the year for submission to Congress after the close of its calendar year and make appropriate recommendations on issues and/or problems affecting the Commission, the Professional Regulatory Board, and the various professions under its jurisdiction;

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

SEC. 8. *Regional Offices.* - The Commission is hereby authorized to create regional offices as may be necessary to carry out their functions mandated under this Act.

SEC. 9. *Powers, Functions and Responsibilities of the Various Professional Regulatory Boards.* - The various professional regulatory boards shall retain the following powers, functions and responsibilities:

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

(b) To monitor the conditions affecting the practice of the profession or occupation under their respective jurisdictions and whenever necessary, adopt such measures as may be deemed proper for the enhancement of the profession or occupation and/or the maintenance of high professional, ethical and technical standards, and for this purpose the members



of the Board duly authorized by the Commission with deputized employees of the Commission, may conduct ocular inspections in industrial, mechanical, electrical or chemical plants or establishments, hospitals, clinics, laboratories, testing facilities, mines and quarries, other engineering facilities and in the case of schools, in coordination with Commission on Higher Education (CHED);

(c) To hear and investigate cases arising from violations of their respective laws, the rules and regulations promulgated thereunder and their Codes of Ethics and, for this purpose, may issue summons, subpoena and *subpoena duces tecum* to alleged violators and/or witnesses to compel their attendance in such investigations or hearings: *Provided*, That, the decision of the Professional Regulatory Board shall, unless appealed to the Commission, become final and executory after fifteen (15) days from receipt of notice of judgment or decision;

(d) To delegate the hearing or investigation of administrative cases filed before them except in cases where the issue or question involved strictly concerns the practice of the profession or occupation, in which case, the hearing shall be presided over by at least one (1) member of the Board concerned assisted by a Legal or Hearing Officer of the Commission;

(e) To conduct, through the Legal Officers of the Commission, summary proceedings on minor violations of their respective regulatory laws, violations of the rules and regulations issued by the boards to implement their respective laws, including violations of the general instructions to examinees committed by examinees, and render summary judgment thereon which shall, unless appealed to the Commission, become final and executory after fifteen (15) days from receipt of notice of judgment or decision;

(f) Subject to final approval by the Commission, to recommend registration without examination and the issuance of corresponding certificate of registration and professional identification card;

(g) After due process, to suspend, revoke or reissue, re-instate certificate of registration or licenses for causes provided by law;

(h) To prepare, adopt and issue the syllabi or tables of specifications of the subjects for examinations in consultation with the academe; determine and

prepare the questions for the licensure examinations which shall strictly be within the scope of the syllabus or table of specifications of the subject for examination; score and rate the examination papers with the name and signature of the Board member concerned appearing thereon and submit the results in all subjects duly signed by the members of the Board to the Commission within ten (10) days from the last day of examination unless extended by the Commission for justifiable cause/s; and subject to the approval by the Commission, determine the appropriate passing general average rating in an examination if not provided for in the law regulating the profession;

(i) To prepare an annual report of accomplishments on programs, projects and activities of the Board during the year for submission to the Commission after the close of each calendar year and make appropriate recommendations on issues or problems affecting the profession to the Commission.

SEC. 10. *Compensation of the Members of the Professional Regulatory Boards.* - The members of the professional regulatory boards shall receive compensation equivalent to, at least, two salary grades lower than the salary grade of the Commissioners: *Provided*, That the Chairperson of the Regulatory Board shall receive a monthly compensation of two steps higher than the members of the Board, and; *Provided, further*, That they shall be entitled to other allowances and benefits provided under existing laws.

SEC. 11. *Persons to Teach Subjects for Licensure Examination on all Professions.* - All subjects for licensure examinations shall be taught by persons who are holders of valid certificates of registration and valid professional licenses of the profession and who comply with the other requirements of the Commission on Higher Education (CHED).

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

SEC. 13. *Appropriations.* - The amount necessary to carry out the initial implementation of this Act shall be charged against the current year's



appropriations of the Professional Regulation Commission. Thereafter, such sums as may be necessary for the continued implementation of this Act shall be included in the succeeding General Appropriations Act.

SEC. 14. *Authority to Use Income.* - In addition to the annual appropriations of the Commission provided under the Annual General Appropriations Act, the Commission is hereby authorized to use its income not exceeding the amount of forty-five (45) million pesos a year for a period of five (5) years after the effectivity of this Act to implement the program for full computerization of the operations of the Commission, subject to the usual accounting and auditing requirements.

SEC. 15. *Penalties for Manipulation and Other Corrupt Practices in the Conduct of Professional Examinations.* -

(a) Any person who manipulates or rigs licensure examination results, secretly informs or makes known licensure examination questions prior to the conduct of the examination or tampers with the grades in professional licensure examinations shall, upon conviction, be punished by imprisonment of not less than six (6) years and one (1) day to not more than twelve (12) years or a fine of not less than Fifty thousand pesos (P50,000.00) to not more than One hundred thousand pesos (P100,000.00) or both such imprisonment and fine at the discretion of the court.

(b) In case the offender is an officer or employee of the Commission or a member of the regulatory board, he/she shall be removed from office and shall suffer the penalty of perpetual absolute disqualification from public office in addition to the penalties prescribed in the preceding section of this Act;

(c) The penalty of imprisonment ranging from four (4) years and one (1) day to six (6) years or a fine ranging from Twenty thousand pesos (P20,000.00) to not more than Forty-nine thousand pesos (P49,000.00), or both imprisonment and fine at the discretion of the court, shall be imposed upon the accomplices. The penalty of imprisonment ranging from two (2) years and one (1) day to four (4) years or a fine ranging from Five thousand pesos (P5,000.00) to not more than Nineteen thousand pesos (P19,000.00), or both imprisonment and fine at the discretion of the court, shall be imposed upon the accessories.

SEC. 16. *Penalties for Violations of Sec. 7 - Subparagraph (1) by Heads of Government Agencies or Officers of Private Entities/Institutions.* -

Any head of a government agency or officer(s) of a private firm/institution who violates Sec. 7 - subpar. (1) of this Act shall be punished by imprisonment of not less than six (6) months and one (1) day to not more than six (6) years, or a fine of not less than Fifty thousand pesos (P50,000.00) to not more than Five hundred thousand pesos (P500,000.00) or both at the discretion of the court.

SEC. 17. *Implementing Rules and Regulations.* - Within ninety (90) days after the approval of this Act, the Professional Regulation Commission, together with representatives of the various Professional Regulatory Boards and Accredited Professional Organizations, the Department of Budget and Management, and the Commission on Higher Education shall prepare and promulgate the necessary rules and regulations needed to implement the provisions of this Act.

SEC. 18. *Transitory Provisions.* - The incumbent Commissioner and two (2) incumbent Associate Commissioners shall serve as Chairperson and Commissioners respectively under the terms for which they have been appointed without need of new appointments. The incumbent Executive Director shall likewise serve as Assistant Commissioner without need of new appointment.

SEC. 19. *Separability Clause.* - If any provision of this Act or the application of such provision to any person or circumstances is declared invalid or unconstitutional, the remainder of this Act or application of such provisions to other persons or circumstance shall not be affected by such declaration.

SEC. 20. *Repealing Clause.* - Republic Act No. 546, Presidential Decree No. 223, as amended by Presidential Decree No. 657, Republic Act No. 5181, and Executive Order No. 266, Series of 1995 are hereby repealed. Section 23 (h) of Republic Act No. 7836, Section 4 (m & s), Section 23 of Republic Act No. 7920, and Section 29 of Republic Act No. 8050, insofar as it requires completion of the requirements of the Continuing Professional Education (CPE) as a condition for the renewal of the license are hereby repealed. All other laws, orders, rules and regulations



or resolutions and all part/s thereof inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 21. *Effectivity.* - This Act shall take effect after fifteen (15) days following its publication in the *Official Gazette* or in two (2) newspapers of general circulation, whichever is earlier.

Approved,

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#### ADJOURNMENT OF SESSION

**Senator Tatad.** Mr. President, I move that we adjourn the session until three o'clock in the afternoon of Monday, October 23, 2000.

**The President.** Is there any objection? [*Silence*] There being none, the session is adjourned until three o'clock in the afternoon of Monday, October 23, 2000.

*It was 4:42 p.m.*

