

[PRC RESOLUTION NO. 2013-775, July 25, 2013]

REVISED RULES AND REGULATIONS IN ADMINISTRATIVE INVESTIGATIONS

*Adopted: 25 July 2013
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WHEREAS, it is imperative to revise the existing rules and regulations governing administrative investigations in the Professional Regulation Commission (Commission) and the Professional Regulatory Boards (Boards), 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", and the Professional Regulatory Laws, 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 Revised Rules and Regulations Governing Administrative Investigations in the Commission and the Boards:

**ARTICLE I
GENERAL PROVISIONS**

Sec. 1. Title. - The Rules shall be known and cited as the "***Revised Rules in Administrative Investigations***".

Sec. 2. Scope. - The Rules are issued in the exercise of the quasi-judicial function of the Commission or the Board to conduct an investigation of cases against a Chairman, Vice-Chairman or Member of the Board; a registered and licensed professional; a juridical person allowed to practice a profession; a holder of a special temporary permit; an examinee; an applicant for examination; or an applicant for registration without examination.

Sec. 3. Construction. - The 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, and intended primarily to determine if the Chairman, Vice-Chairman or Member of the Board is fit to continue as such; the registered and licensed professional or juridical person, or holder of Special Temporary Permit is still qualified and competent to continue practicing the profession; or the Applicant or Examinee is qualified to be admitted to the practice of his profession.

Sec. 5. Suppletory Application of the Revised Rules of Court - Unless otherwise provided in the Rules, the Revised Rules of Court shall be suppletorily applicable in the administrative investigations. However, 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 complaint or formal charge 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.

The Legal and Investigation Division of the Central Office, and the Regional Office shall ensure that the Commission or the concerned Board has jurisdiction over the person of the respondent and over the subject matter of the complaint.

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

Sec. 8. Rules of Procedure - The 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 be considered mere scraps of paper in the cases covered by the Rules:

- a. Motion to dismiss the complaint except on the ground of lack of jurisdiction over the subject matter or the person of the respondent;
- b. Motion for a bill of particulars;
- c. Motion for a new trial or for reopening of trial;
- d. Petition for relief from judgment;
- e. Motion for extension of time to file pleadings, affidavits or any other papers;
- f. Second or subsequent motions for reconsideration;
- g. Motion for reconsideration against any interlocutory order issued by the Commission and the Board;
- h. Reply and rejoinder; and
- i. Demurrer to evidence

Sec. 10. Delegation of Hearing. - The hearing of the administrative cases may be delegated to any lawyer of the Commission. 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 oaths as may be necessary in taking the testimony of a party or a witness.

The lawyers 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/herself 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.

Sec. 11. Presence of a Board Member. - The presence of a member of the Board shall be required in cases involving the practice of the profession. However, the Board may in its discretion waive the presence of any member during the hearings except in cases where the issue or question involved strictly concerns the practice of the profession or occupation.

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 a Chairman, Vice-Chairman or Member of the Board; a registered and licensed professional; a juridical person allowed to practice a profession; a holder of a special temporary permit; an examinee; an applicant for examination; and an applicant for registration without examination shall neither suspend nor bar the proceedings of the latter. The Commission or the Board shall independently proceed with the investigation and shall render its decision without awaiting the final decision of the Court or the other quasi-judicial body.

Sec. 13. Cases Covered. - The administrative investigations shall cover any of the grounds provided under the pertinent professional regulatory laws and Republic Act No. 8981, or the "PRC Modernization Act".

Sec. 14. Imposable Penalty. - The Commission shall revoke or suspend the certificate of registration of a member of the Board and recommend to the President of the Philippines his suspension or removal from office, as the case may be.

If found guilty by the Board, the respondent professional or juridical person shall be meted the penalty of revocation or suspension of the Certificate/s of Registration or reprimand. The revocation or suspension of the Certificate/s of Registration and/or the Professional Identification Card; and in the case of marine officers, the STCW Certificates, if applicable, shall cause the surrender thereof to the Board within ten (10) days from the finality of the decision.

The penalty on a holder of a special temporary permit shall be the cancellation of the special temporary permit in accordance with the concerned Professional Regulatory Law and Sec. 7 (I) of R.A. No. 8981 with a recommendation for deportation.

The imposable penalty on an examinee shall be the cancellation of examination papers; withholding the results of his licensure examination and/or deferment of registration; or debarment from taking a licensure examination within a specified period or any future licensure examination. On an applicant, the imposable penalty shall be denial or cancellation of his application or deferment of his registration, as the case may be.

Sec. 15. Contempt. - A petition for contempt may be filed with the Regional Trial Court having territorial jurisdiction over the office of the Commission or Regional Office for improper acts or conduct committed against the Commission or the Board or any member thereof, or a lawyer of the Commission.

Sec. 16. Proof of Service. - All pleadings subsequent to a complaint must show proof of service upon the adverse party. A pleading without proof of service shall not be accepted or acted upon by the Commission or the Board.

ARTICLE II COMPLAINT

Sec. 1. Complaint. - A complaint shall be verified, or embodied in an affidavit, either of which shall have a certification of non-forum shopping.

Sec. 2. Who May File. - A complaint shall be filed by any person, or a duly authorized representative, for any violation of law, rules and regulations, instructions or policies of the Commission or the Board. The Commission or the Board may *motu proprio* initiate an administrative investigation.

Sec. 3. Where to File a Complaint. - A complaint may be filed at the Legal and Investigation Division of the Central Office or at the Regional Office of the Commission having territorial jurisdiction over the parties: Provided, however, that, if there is no lawyer in the said Regional Office, the complaint may be filed in the nearest Regional Office where there is a lawyer of the Commission.

Sec. 4. Form and contents - The complaint must be written in a clear, simple and concise language to inform 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:

- a. Full names and complete addresses of the complainant and the respondent;
- b. The respondent's profession together with his Certificate of Registration or special temporary permit number and date of issuance, if known;
- c. In case the respondent is an examinee, the licensure examination he has applied for or taken, and the date/s thereof, if known by the complainant; or in the case of an applicant for registration without examination, the profession he applied for;
- d. 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;
- e. The disciplinary action prayed for; and
- f. Certified true copies of documentary evidence, and the affidavit/s of witness/es if any.

Sec. 5. Number of Copies. - The complaint together with the documentary evidence and affidavit/s of witness/es, if any, shall be filed in three (3) legible copies plus such number as there are respondents. 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 excluding the affidavit, or portion thereof, from the record.

Sec. 6. Withdrawal of the Complaint. - A complaint may be withdrawn by the complainant in writing and under oath at any time before the case is submitted for decision. The Commission or the Board shall forthwith dismiss the case unless it is necessary to disregard such withdrawal and to prosecute the case in the interest of the public, for the protection of the standards of the profession, or in view of the obvious merit of the case.

Sec. 7. Dismissal of the Complaint. - A complaint shall be dismissed outright on any of the following grounds:

- a. No jurisdiction over the person of the respondent or the subject matter of the complaint
- b. No legal capacity of the complainant to sue

- c. No cause of action stated in the complaint

ARTICLE III CONCILIATION PROCEEDINGS

Sec. 1. Conciliation. - A verified complaint against a professional, a juridical person or a holder of a special temporary permit, an examinee or an applicant for registration without examination shall be conciliated except in cases involving acts or omissions resulting to death or injury to persons, or serious impairment of the public interest.

Sec. 2. Assignment to a Conciliator. - Within five (5) days upon receipt of the complaint, the complaint shall be forwarded to the conciliation unit of the Commission.

Sec. 3. Conciliation conference and proceedings. - The complaint upon its receipt shall be referred to the designated conciliator who shall promptly initiate a conciliation conference within five (5) days. The conciliator shall assist the parties to arrive at a settlement. For expeditious proceedings, the conciliator shall:

- a. Clarify the issues and narrow down the disagreements
- b. Validate the positions and relief sought
- c. Encourage parties to generate options and enter into stipulations, or to arrive at acceptable solutions and voluntary settlement.

Sec. 4. Period for conciliation proceedings and appearance of parties - Unless the parties agree otherwise, conciliation proceedings shall be carried out and terminated within thirty (30) days from receipt of the complaint.

The parties shall appear at all times. Lawyers may be allowed to attend the conference only to render advice to the parties.

Where the complainant or respondent fails to appear in two (2) meetings despite due notice, the conciliator shall make a report to the Board within five (5) days. The Board shall dismiss the complaint with prejudice for non-appearance of the complainant in the two (2) meetings. On the other hand, the Board shall order the docketing of the case where the respondent failed to appear in the said two (2) meetings.

Sec. 5. Pre-termination of Conciliation. The conciliation proceedings may be terminated at any time within the 30-day period, due to the following reasons:

- a. Failure to appear by one or both parties for two (2) consecutive meetings
- b. Failure to reach a settlement or agreement by the parties
- c. Pre-termination upon agreement of the parties
- d. Entering into a settlement or compromise agreement by the parties

In cases of failure to reach an agreement, the conciliator shall make a report within five (5) days from termination, indicating therein the reasons for such failure. The conciliator shall submit the report accompanied by a copy of the complaint to the legal and investigation division. The complaint shall be docketed after payment of the required fees, and the case shall be assigned to a hearing officer. Summons shall be issued upon the respondent, and his name shall be included in the control list of the Commission.