

**[ PRC RESOLUTION NO. 174, S. 1990, July 30, 1990 ]**

**AMENDING SOME PROVISIONS OF ARTICLE IV OF THE RULES  
AND REGULATIONS GOVERNING THE REGULATION AND  
PRACTICE OF PROFESSIONALS AND INCORPORATING THEREIN  
NEW PROVISIONS**

WHEREAS the Rules and Regulations Governing the Regulation and Practice of Professionals was promulgated pursuant to Presidential Decree No. 223 to effectively implement the policies with respect to the regulation and practice of professionals;

WHEREAS Article IV of the Rules governs the procedures on the investigation of administrative cases against examinees and professionals falling within the jurisdiction of the various regulatory Boards;

WHEREAS the Professional Regulation Commission and the Regulatory Boards have realized the expediency of effecting changes in the foregoing procedures to achieve an expeditious and inexpensive adjudication of cases, in view of the continuing increase in the number of cases and the urgency to forthwith safeguard the public interest;

NOW, THEREFORE, pursuant to paragraph (N), Section 5 of Presidential Decree No. 223, the Commission hereby amends the following provisions of Article IV of the Rules and Regulations Governing the Regulation and Practice of Professionals and incorporates therein new provisions:

*SECTION 1* is hereby amended to read, to wit:

"SECTION 1. These rules on administrative investigations shall apply, in the exercise of the various professional regulatory Boards' quasi-judicial powers and functions, to cases against holders of certificate of registration or professionals registered with the said Boards, holders of special or temporary permit or against examinees in the licensure examinations given by such Board, for cause or causes set forth or enumerated in the professional statutory laws creating them or in the Rules and Regulations or Code of Ethics promulgated by them to the said laws.

To safeguard the public interest and promote the standards of the various professions through impartial, expeditious, and inexpensive and inconvenient litigations and adjudications of the cases, these rules shall be liberally construed. Strict adherence to the rigmarole of formalities and technicalities shall not be observed so as not to impair the smooth, just, and speedy disposition of cases and the substantive rights of the

parties.

The investigation of cases shall be fact-finding, generally summary in nature without prejudice to the due process requirements, and intended primordially to determine if the respondents are morally and technically qualified to practice or to continue practicing the profession. The Rules of Court shall not apply therein save in suppletory character and whenever appropriately and inevitably expedient.

Lawyers or Attorneys of the Commission may act solely as either hearing officers or special prosecutors in *motu-proprio* investigations.

*SECTION 2* is hereby amended to read, to wit:

"SEC. 2. The complaint shall be in writing and under oath or embodied in an affidavit and must be filed by any person or firm, partnership, association or corporation, through its duly authorized representative, or the Board itself may, *motu-proprio*, file the charge or charges."

*SECTION 3* is hereby amended to read, to wit:

"SEC. 3. The complaint must set forth distinctly, clearly, and concisely the names and addresses of the complainant and the respondent, the respondent's profession with the registration number and date of issuance, or the licensure examination he has applied for or taken, the particular provision of the professional regulatory law, the Boards' Rules and Regulations or the Code of Ethics of the Profession he has violated, the ultimate facts constitutive of the charge, offense, or cause of action complained of, and the disciplinary action prayed for; and must be accompanied by the affidavits of the complainant's witnesses or by any other documentary evidences, if any, which shall be filed in such number as there are respondents plus two (2) copies for the Board's files.

The affidavits required to be submitted under these Rules shall state only facts of direct personal knowledge of the affiants which are admissible in evidence, and shall show their competence to testify to the matters stated therein.

A violation of the foregoing requirements shall be a ground for expunging the inadmissible affidavit, or portion thereof, from the record.

On the basis of the complaint-affidavit and the affidavits of witnesses accompanying the same, the Board shall make a preliminary determination whether to dismiss the case outright for lack of jurisdiction or for being patently without basis or merit. If a dismissal is not ordered, the Board shall require the respondent to file a counter-affidavit and such documentary evidence for his defense, serving simultaneously a copy thereof upon the complainant not later than ten (10) days from receipt of the directive issued by the Board.

If the Board, upon consideration of the complaint and the affidavits submitted by both parties, finds no *prima facie* case against the respondent, it shall order the dismissal of the complaint."

*SECTION 4* is hereby amended to read, to wit:

"SECTION 4. If the Board finds a cause or ground to hold the respondent for hearing with or without his counter-affidavit and/or documentary evidence, the complainant shall be required to pay ONE HUNDRED Pesos (P100.00) as docket and legal research fees within ten (10) days from receipt of the Board's directive. Non-payment thereof shall be a basis for the dismissal of the complaint.

A complaint lodged by an indigent, who shall execute an affidavit to this effect, or endorsed by an investigative governmental agency, shall not be required payment of docket and legal research fees."

*SECTION 6* is hereby amended to read, to wit:

"SECTION 6. After payment of the docket and legal research fees, an administrative case number shall be assigned thereto and immediately Notice of Initial Hearing, and Summons and Notice of Initial Hearing shall be served upon the complainant and the respondent, respectively."

*SECTION 19* is hereby amended to read, to wit:

"SECTION 19. Hearing or investigation of administrative cases may be presided by at least one Board Member with the assistance of one PRC Attorney—if the issue or charge strictly involves the practice of the profession, and only by a PRC Attorney—if the charge is not related to such practice."

*SECTION 20* is hereby amended to read, to wit:

"SECTION 20. Unless the Board otherwise directs for special reasons, the order of hearing shall be as follows:

1. The initial hearing shall be conducted as a preliminary conference.

On, before, during or immediately after the initial hearing, the parties shall be directed to coevally submit their respective verified position papers together with their supporting documents and the affidavits of their witnesses. The parties shall thereafter be proscribed or barred from averring or adducing evidence to establish facts or any cause or causes of action not incorporated in their complaint, answer, or counter-affidavit or position papers, affidavits, and other documents. The parties shall furnish each other with the copies of the position papers together with the annexes thereof.

Forthwith, upon receipt of the position papers with the annexes thereof, determination of whether there is a necessity for an initial hearing or hearing shall take place.

During the initial hearing, the Hearing Officer shall guide the parties to observe the following procedures:

- a) The parties shall agree on the appropriate ground or cause.