

**[PRC RESOLUTION NO. 2004-233A, September
08, 2004]**

**RULES OF PROCEDURE IN THE CONDUCT OF ADMINISTRATIVE
INVESTIGATIONS IN THE PROFESSIONAL REGULATION
COMMISSION AND THE VARIOUS PROFESSIONAL REGULATORY
BOARDS**

WHEREAS, Section 7(p) of Republic Act No. 8981 empowers the Professional Regulation Commission (Commission) 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;

WHEREAS, Section 7(d) of the same Republic Act further empowers the Commission to 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 it;

WHEREAS, Section 7 (s) of the same Republic Act still further empowers the Commission to investigate motu proprio or upon a verified complaint, any member of the Professional Regulatory Boards (Boards) for causes enumerated therein;

WHEREAS, Section 9 (c) of the same Republic Act provides that the Boards shall hear and investigate cases arising from violations of their respective laws, the rules and regulations promulgated thereunder and their Codes of Ethics;

WHEREAS, the existing rules and regulations in administrative investigation need to be updated and revised to make them more responsive to the demands of speedy, fair and judicious disposition of cases;

NOW, THEREFORE, The Commission hereby adopts and promulgates the following rules that shall govern the procedure in the conduct of administrative investigations.

**ARTICLE I
ADMINISTRATIVE INVESTIGATIONS**

SECTION 1. A complaint against an examinee or a registered professional or a member of the Board which includes but not limited to immoral or dishonorable conduct; insanity; conviction of a criminal offense involving moral turpitude; unprofessional or unethical conduct; gross negligence or incompetence in the practice of the profession; the use of or perpetration of fraud or deceit in the acquisition of certificate of registration/professional license; for any cause or causes as provided by the Rules and Regulations of the Commission, the law creating the Professional Regulatory Board and the Rules and Regulations promulgated pursuant

thereto; neglect of duty; or commission of irregularities in the licensure examinations which taint or impugn the integrity and authenticity of the results of the said examinations, shall be in writing and under oath or in verified complaint.

SECTION 2. The complaint may be filed by any person, firm, or corporation, through its duly authorized representative, or the Commission or the Board itself may, *motu proprio*, file the charge or charges.

SECTION 3. The complainant, in his complaint together with the sworn statements of his witness or witnesses, if any, subject to cross-examination by the respondent or his counsel during the investigation, shall set forth distinctly, clearly, and concisely the charge or charges or the offense or offenses complained of.

SECTION 4. The complaint shall be filed in six (6) copies with the Commission. Upon receipt of the complaint, which is sufficient in form and substance, the Commission or the Board, shall require the respondent to submit his counter-affidavit or verified answer within ten (10) days from notice.

In his counter-affidavit or verified answer, the respondent shall state clearly and unequivocally if he elects to have a formal investigation of the charges against him or waives his right thereto.

Failure to file a counter-affidavit or verified answer within the required period shall be construed as a waiver thereof.

The Commission or the Board may also require the complainant and respondent to submit Reply and Rejoinder, respectively, as the case may warrant, within ten (10) days from notice.

The complaint, with sufficient supporting documents, may itself be the basis for determination of the existence of *prima facie* case, at the discretion of the Commission or the Board.

SECTION 5. After the parties have submitted the required pleadings, the case folder shall be submitted to the Commission or to the Board within five (5) days from receipt of the last pleading, for the determination of the existence of *prima facie* case. If no *prima facie* case is found, then the complaint shall be dismissed; otherwise, the Commission or the Board shall order the case to proceed for trial.

SECTION 6. The complainant shall then be required to pay the docket and legal research fees within ten (10) days from notice. Non-payment thereof shall be a basis for the dismissal of the complaint.

After payment of the docket and legal research fees, the case shall then be given a designated number which shall be known as administrative case number.

The case shall be set for preliminary conference, where the complainant, the respondent and their counsels shall be required to appear to determine the possibility of amicable settlement and other matters which may aid in the early disposition of the case. The preliminary conference shall be mandatory.

SECTION 7. Any complaint before the Board may be withdrawn by the complainant,

in writing and under oath. The Board shall forthwith dismiss the case unless the Board, in the interest of the public and for the protection of the standards of the profession shall deem it necessary to prosecute the case notwithstanding the withdrawal of the complainant.

SECTION 8. The respondent shall then be served with summons within ten (10) days from the docketing of the case.

SECTION 9. Summons shall consist of the letter-subpoena requiring the appearance of the respondent at a designated time and place or a letter requiring him to answer within ten (10) days from notice, in case none has been filed. A copy of the complaint and its supporting documents shall be enclosed.

SECTION 10. Service of summons on the respondent vests upon the Commission or the Board the power to hear and decide the case even if the respondent should subsequently leave the Philippines.

SECTION 11. Service of summons, pleadings, motions, notices, orders, decisions, resolutions and other papers shall be made either personally or by mail at the last known or registered address of the complainant and respondent or of their respective counsel. Any change in address shall be reported in writing to the Commission or to the Board having charge of the investigation.

Service of summons, pleadings, motions, notices, orders, decisions, resolutions and other papers on the counsel of record shall be binding on the party he represents: Provided, however, that notice in open hearing shall be sufficient notice to the parties present thereat.

SECTION 12. Service of summons, pleadings, motions, notices, orders, decisions, resolutions or other papers may be made by delivering personally a copy to the party or his counsel, or by leaving it in his office with his clerk or with a person having charge thereof. If no person is found in his office, or if his office is not known or he has no office, then by leaving the copy, between the hours of eight (8) in the morning and six (6) in the evening, at the party's or counsel's residence, if known, with a person of sufficient age and discretion then residing therein to receive the same.

SECTION 13. If service is not made personally, service by registered mail shall be made by depositing the copy in the post office, in a sealed envelope, plainly addresses to the party or his counsel at his office, if known, otherwise at his residence, if known, with postage prepaid, and with instructions to the postmaster to return the mail to the sender after ten (10) days if undelivered.

SECTION 14. Personal service shall be considered complete upon actual delivery. Service by registered mail shall be complete upon actual receipt by the addressee or after five (5) days from the date he received the first notice of the postmaster whichever date is earlier.

SECTION 15. Whenever the address of a respondent is unknown and cannot be ascertained by diligent inquiry, service by summons may, by leave of the Commission or the Board, be effected upon him by publication in a newspaper of general circulation in the City of Manila not later than sixty (60) days from notice.