



Republic of the Philippines
Professional Regulation Commission
Manila

RESOLUTION NO. 2017- 1033(A)
Series of 2017

**2017 REVISED RULES AND REGULATIONS
IN ADMINISTRATIVE INVESTIGATIONS**

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 Section 7 (d), (p), and (s), and Section 9 of Republic Act No. 8981, otherwise known as the “PRC Modernization Act of 2000”, and the Professional Regulatory Laws, to achieve a more expeditious disposition of cases filed before the Commission and the Boards;

WHEREAS, Executive Order No. 26, series of 1992, signed by then President Fidel V. Ramos, prescribes procedures and sanctions to ensure the speedy disposition of cases;

NOW, THEREFORE, the Commission **RESOLVES**, as it hereby **RESOLVED**, to adopt, promulgate and implement the following rules, thus:

**Rule I
GENERAL PROVISIONS**

Section 1. **Title.** – These Rules shall be known and cited as the “**2017 Revised Rules and Regulations in Administrative Investigations**”.

Section 2. **Scope.** – These Rules are promulgated to aid the Commission and the Boards in the exercise of their quasi-judicial function to conduct an investigation, hear and decide cases, and resolve appeals involving:

- (a) A Chairperson, Vice-Chairperson or any Member of the Board 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, to determine if the aforementioned officials are fit to continue as such;
- (b) Officers and employees of the Commission for violation of Republic Act No. 8981, otherwise known as the “PRC Modernization Act of 2000”, or the Civil Service Law, Rules and Regulations;
- (c) A person who is a registered and licensed professional of the Commission, a holder of a special temporary permit, an applicant for examination, an examinee, an applicant for registration without examination, or a holder of an accreditation as Continuing Professional Development (CPD) provider or as an Accredited Integrated Professional Organization (AIPO)/ Accredited Professional Organization (APO), holder of a certificate of compliance,

certificate of registration for the corporate practice of profession, or certificate of authority to operate, issued by the Commission who:

1. Practices a regulated profession or occupation without being authorized by law or without being registered with the concerned Board and issued the corresponding Certificate of Registration/Professional License or Special Temporary Permit;
2. Commits any of the prohibited acts provided in the professional regulatory law, rules and regulations and Codes of Ethics promulgated by the respective Board; or
3. Violates the resolutions, policies and other administrative issuances promulgated by the Commission or the concerned Board.

Section 3. **Construction.** – These Rules shall be liberally construed to promote the objective of a just, speedy and inexpensive adjudication of cases. The Commission and the Board shall not be bound by the strict application of the rules on evidence but shall proceed to hear and decide cases in the most expeditious manner to determine the facts of each case.

The Commission, however, may suspend the application of these Rules in order to best serve the public interest, and in the interest of justice and general welfare apply such suitable, fair and reasonable procedure to improve the delivery of public service and to assist the parties in obtaining a just and speedy determination of cases.

Section 4. **Nature of the Proceedings.** – Administrative investigations shall be fact-finding and summary in nature.

Section 5. **Suppletory Application of the Revised Rules of Court.** – Unless otherwise provided in these Rules, the Revised Rules of Court shall be suppletorily applicable in administrative investigations.

Section 6. **Rules of Procedure.** – Unless otherwise specified, the Rules shall uniformly apply to administrative investigations conducted in the Central Office and in the Regional Offices of the Commission.

Section 7. **Presence of a Board Member.** – The presence of a member of the Board shall be required in cases where the issue strictly involves the practice of profession. In such cases, the hearing shall be presided by at least one (1) member of the Board concerned.

Section 8. **Pendency of Another Case.** – The filing or pendency of a criminal and/or civil case before a court of law against any person enumerated under Section 2 of this Rule shall neither suspend nor bar the proceedings of the administrative case. The Commission or the Board shall independently proceed with the investigation and shall render its decision without awaiting the final decision of the court.

Section 9. **Indigent Litigants.** – An indigent litigant shall be exempt from the payment of docket and other lawful fees.

Section 10. **Contempt.** – A case for contempt may be filed against a person who commits misbehavior or disrespect towards the Commission or the Board/s, or any member thereof, or a Hearing Officer, with the Regional Trial Court having territorial jurisdiction over the Office of the Commission or Regional Office and shall be governed by the applicable provisions of the Rules of Court.

The Hearing Officer 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 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 that causes disruption of the proceedings upon application with a court of competent jurisdiction.

Section 11. **Consent to Electronic Service.** – The complaint and answer/counter-affidavit may include the express consent to the electronic service of motions and pleadings. In which case, the parties shall provide the e-mail address to which service may be effected.

Rule II JURISDICTION AND VENUE

Section 1. **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 even if he subsequently leaves the Philippines or fails to appear during the hearings of the case.

Section 2. **Venue.** – All actions brought under Section 2(a) & (b) of Rule 1 shall be commenced and heard at the Central Office of the Commission.

Actions under Section 2(c) of Rule 1 shall be commenced and heard at the Central Office, or at the Regional Office of the Commission having territorial jurisdiction over the residence of 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, or at the Central Office, at the option of the complainant.

Section 3. **Change of Venue.** – Any change in venue of trial in the Regional Office, where there is a lawyer, or in the Central Office, shall require prior approval from the Commission or the Board.

Rule III PLEADINGS AND MOTIONS

Section 1. **Forms.** – All pleadings and motions filed before the Commission and the Board shall be in two (2) legible copies plus such number as there are respondents, accompanied by a soft copy of the document to be electronically mailed to the address provided by the Hearing Officer. A violation of the foregoing requirement shall be a ground for non-acceptance or exclusion of the pleading and motion.

Section 2. **Prohibited Pleadings and Motions.** – The following pleadings and motions shall not be allowed:

- (a) Motion to dismiss the complaint except on the ground of lack of jurisdiction over the subject matter or over the person of the respondent;
- (b) Motion for a bill of particulars;
- (c) Motion for new trial or for reopening of trial;
- (d) Motion for extension of time to file verified answer or counter-affidavit in excess of twenty (20) days;
- (e) Second motion for extension of time to file verified answer or counter-affidavit;
- (f) Second motion for reconsideration;

- (g) Motion for reconsideration against any interlocutory order issued by the Commission or the Board; and
- (h) Demurrer to evidence.

Section 3. ***Effect of Filing of a Prohibited Pleading/Motion.*** – The filing of a prohibited pleading or motion shall not interrupt the running of the prescriptive period.

Section 4. ***Entry of Appearance.*** – The complainant or respondent may be represented by counsel who shall manifest his appearance in writing, stating the following:

- (a) Full name;
- (b) Receipt number of the current payment of membership dues to the Integrated Bar of the Philippines;
- (c) Professional Tax Receipt with date and place of issue;
- (d) Roll of Attorneys;
- (e) Mandatory Continuing Legal Education (MCLE) compliance with date of issue;
- (f) Complete address which should not be a P.O. box address where he/she can be served with notices and pleadings;
- (g) E-mail address; and
- (h) Cellular phone and landline numbers.

The written entry of appearance may include the express consent to the electronic service of pleadings, motions, notices, decision, orders and resolutions.

If the lawyer is a government employee, he shall be required to present an authority to engage in the private practice of his profession signed by the agency head.

Any appearance or pleading of a counsel without complying with the foregoing requirements shall not be recognized.

Section 5. ***Change of Address.*** – In case of change of address, the counsel shall file a notice of such change, copy furnished the counsel of the adverse party.

Section 6. ***Withdrawal of Appearance.*** - Any withdrawal of appearance by counsel shall be in writing, with the conformity of the party he represents, and copy furnished the counsel of the adverse party.

Rule IV

FILING AND SERVICE OF PLEADINGS AND MOTIONS

Section 1. ***Filing of Pleadings and Motions.*** – All pleadings and motions shall be filed with the Legal and Investigation Division of the Central Office, or with the Regional Office, as applicable, either personally or by registered mail.

Section 2. ***Service of Notices, Decision, Orders and Resolutions.*** – Service of notices, decision, orders and resolutions may be made personally or by registered mail to the address provided by the parties, or through a private courier at the expense of the requesting party.

When consented to by both parties during the pre-trial conference, scanned copies of notices, decisions, orders and resolutions may be served and effected to the parties electronically.

When a party has appeared by counsel, service shall be made upon the said counsel. Where one counsel appears for several parties, he shall be entitled to only one copy of the notice, decision, order, and resolution.

Section 3. ***Affidavit of Proof of Service.*** – Proof of service may consist of the affidavit of the party serving, containing a full statement of the date, place and manner of service. It shall specify the pleading or motion served and the name of the addressee, and shall be notarized.

If the service is by registered mail or by private courier, proof thereof shall consist of the affidavit of the person who undertook the mailing, stating the facts of the same, and the registry receipt issued by the mailing office, or any proof of delivery issued by the private courier. The registry return card or any other proof of delivery shall be evidence of receipt, or in lieu thereof, the unclaimed letter from the postmaster to the addressee.

If service is by electronic means, the proof thereof shall consist of the print out containing the following:

- (a) E-mail address that was employed to transmit the document;
- (b) Acknowledgment by the recipient of the electronic service;
- (c) Date and time of the electronic service; and
- (d) Name and e-mail address of the addressee.

Section 4. ***Completeness of Service.*** – If service cannot be made personally, it may be effected by leaving a copy thereof at the party's residence with some person of suitable age and discretion residing therein. Service by registered mail or through a private courier shall be complete upon actual receipt by the respondent; *Provided*, however, that if he fails or refuses to claim his mail from the post office or from the private courier, service shall take effect upon the expiration of five (5) days from the date he first received the notice of the postmaster or the private courier.

In case of electronic service, it is complete upon transmission but is not effective if the person serving it learns that it did not reach the person to be served.

Rule V COMPLAINT

Section 1. ***Complaint.*** – A complaint shall be verified, or embodied in an affidavit, which shall be accompanied by a certification of non-forum shopping.

Section 2. ***Who May File.*** – A complaint may be filed by any person or a duly authorized representative.

Section 3. ***Where to File a Complaint.*** – A complaint may be filed in the Central Office, or in the Regional Office having territorial jurisdiction over the residence of the parties; *Provided*, however, that if there is no lawyer in the said Regional Office, the last sentence of Section 2 of Rule II shall apply.

Section 4. ***Docket and Legal Research Fees.*** – A complaint is considered filed upon payment of the correct docket and legal research fees.

Section 5. **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. The complaint shall contain the following:

- (a) Full name and complete current address of the complainant and the respondent;
- (b) Respondent's profession together with his Certificate of Registration or special temporary permit number and date of issuance, if known; or the type of accreditation or registration, its number and validity, if respondent is a holder of an accreditation or registration;
- (c) The licensure examination he has applied for or taken, in case the respondent is an examinee, 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.

The absence of any of the aforementioned requirements may cause the dismissal of the complaint without prejudice to its re-filing upon compliance with the said requirements.

Section 6. **Number of Copies.** – The complaint, together with the documentary evidence and affidavit/s of witness/es, if any, shall be filed in two (2) legible copies plus such number as there are respondents.

Section 7. **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 evident merit of the case, as when there is evidence which would tend to establish a *prima facie* case warranting its continuation.

Rule VI PRELIMINARY DETERMINATION

Section 1. **Evaluation of the Complaint.** – Upon assignment of the case, the Hearing Officer shall determine whether:

- (a) The Commission or the Board has jurisdiction over the subject matter of the complaint;
- (b) A cause of action exists; and
- (c) The complaint or formal charge is sufficient in form and substance.

Section 2. **Action on the Complaint.** – The Hearing Officer may, upon his sound judgment, take any of the following actions after a preliminary determination:

- (a) Dismiss the complaint for lack of jurisdiction over the subject matter;
- (b) Dismiss the complaint for lack of legal capacity of the complainant to sue the respondent based on the allegations of the complaint;

- (c) Dismiss the complaint for failure to attach a Certification to File Action from the Lupon Tagapamayapa, if applicable;
- (d) Refer the complaint to the Conciliation Unit of the Legal and Investigation Division if there exists a *prima facie* case against the respondent;
- (e) Refer the matter to the Department of Justice through the Office of the National Prosecution Service for the possible institution of a criminal action, if applicable; or
- (f) Issue proper summons upon determination of the jurisdiction of the Commission over the case and its sufficiency in form and substance.

Rule VII

PRELIMINARY INVESTIGATION IN *MOTU PROPRIO* CASES

Section 1. ***Preliminary Investigation.*** – An investigation for possible violation of Republic Act No. 8981 or the “PRC Modernization Act of 2000”, Professional Regulatory Laws, rules and regulations, and Code of Ethics, or cases indorsed by a government agency to the Central or Regional Office may be commenced by the Commission or the Board through a lawyer of the Commission designated as an Investigator.

For *motu proprio* investigations or investigations, upon a verified complaint against Board Chairperson/s and/or Member/s, the applicable resolution created for such purpose shall apply.

Section 2. ***Evaluation of the Indorsement.*** – The Investigator shall determine whether:

- (a) The Commission or the Board has jurisdiction over the subject matter of the complaint; and
- (b) A cause of action exists.

Section 3. ***Investigation Report.*** – Within seven (7) days from the termination of the investigation, the Investigator shall submit a Report to the Chief, Legal and Investigation Division for appropriate action. The Report shall contain a narration of the material facts established during the investigation, the findings and the evidence in support thereof, together with the recommendations. The complete records of the case shall be attached to the Report.

The Report may contain any of the following recommendations:

- (a) Dismissal of the complaint for lack of jurisdiction over the person of the respondent or over the subject matter;
- (b) Dismissal of the complaint for lack of cause of action stated in the complaint;
- (c) Filing of a formal charge before the Commission/Board; or
- (d) Referral of the matter to the Department of Justice through the Office of the National Prosecution Service for the possible institution of a criminal action, if applicable.

Section 4. ***Cases indorsed to Regional Offices.*** – An indorsement by a government agency to a Regional Office shall be transmitted within five (5) days from receipt, to the Legal and Investigation Division of the Central Office. The Chief, Legal and Investigation Division, within three (3) days from receipt of the transmittal for investigation, shall have the case raffled to an Investigator.

Rule VIII
SPECIAL PROSECUTION IN *MOTU PROPRIO* CASES

Section 1. ***Special Prosecution.*** – The Commission or the Board may commence the prosecution of *motu proprio* cases based on the Investigation Report.

For this purpose, a lawyer of the Commission shall be designated as a Special Prosecutor.

Section 2. ***Formal Charge.*** – Upon finding of a *prima facie* case, the Commission or the Board shall formally charge the person complained of.

The formal charge shall contain a specification of the charge, a directive to answer the charge in writing and under oath within fifteen (15) days from receipt thereof, and a notice that he may opt to be assisted by a counsel of his choice. The formal charge shall be accompanied by a copy of the documentary evidence and sworn statement of witnesses, if any.

Section 3. ***Nature of Special Prosecution.*** – *Motu proprio* cases shall be summary in nature which shall be decided based on position papers.

Section 4. ***Special Prosecution Proceedings.*** – Upon docketing, the case shall be raffled to a Hearing Officer who shall issue the corresponding summons with the formal charge and sent to the respondent, copy furnished the assigned Special Prosecutor.

Section 5. ***Special Prosecution in the Regional Office.*** – The prosecution in the Regional Office shall be handled by the designated special prosecutor from the Legal and Investigation Division of the Central Office, and the lawyer in the Regional Office shall act as the Hearing Officer.

Rule IX
MANDATORY CONCILIATION

Section 1. ***Assignment to a Conciliator*** – Within five (5) days from the receipt of the complaint and the preliminary determination by the Hearing Officer, the complaint shall be forwarded to the conciliation unit of the Commission for assignment to a conciliator.

Section 2. ***Conciliation Conference and Proceedings.*** – The designated conciliator, upon receipt of the complaint, shall promptly initiate a conciliation conference within five (5) days by sending a notice to the parties. Such notice may be made personally, by registered mail, electronically, or through a private courier at the expense of the complainant. The conciliator shall:

- (a) Explain to the parties the objectives, nature and rules of the conciliation process and upon agreement of the parties, to facilitate communication and negotiation in order to assist the parties in reaching a voluntary agreement regarding their dispute;
- (b) Clarify the issues and narrow down the disagreements;
- (c) Validate the positions of the parties and relief sought;
- (d) Encourage parties to generate options and enter into stipulations; or

- (e) Encourage the parties to arrive at acceptable solutions and voluntary settlement.

Section 3. ***Period for Conciliation Proceedings and Appearance of Parties.*** – The mandatory conciliation proceedings shall be terminated within thirty (30) days from the initial conciliation conference unless both parties agree to an extension, which shall in no case exceed a period of thirty (30) days.

Section 4. ***Mandatory Personal Appearance/Proper Authorization.*** – The parties shall appear at all times. In the event they cannot attend, their representatives must be fully authorized by a Special Power of Attorney to appear, negotiate and enter into a compromise. A corporation shall, by means of a board resolution, fully authorize its representative to appear, negotiate and enter into a compromise agreement.

Lawyers may be allowed to attend the conference only to render advice to their respective clients.

Section 5. ***Pre-termination of Conciliation.*** – Within the 30-day period, the conciliation proceedings may be terminated on the following reasons:

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

In case of a pre-termination of conciliation, the conciliator shall make a report within five (5) days from termination indicating therein the reason therefor. The conciliator shall submit a report accompanied by a copy of the complaint to the assigned Hearing Officer who shall make the appropriate recommendation to the Board.

Section 6. ***Failure to Appear in the Conciliation Proceedings.*** – The Board shall dismiss the case with prejudice for non-appearance of the complainant for two (2) consecutive meetings, despite due notice. On the other hand, failure of the respondent to appear for two consecutive meetings despite due notice, shall be a ground to terminate the conciliation proceedings and proceed with the hearing and trial of the case. The corresponding summons shall be issued upon the respondent.

Section 7. ***Compromise Agreement.*** – If the parties agree on an amicable settlement, the conciliator shall reduce the agreement in writing, indicating the terms and conditions thereof. The conciliator, having explained the contents thereof, shall require the parties to sign the agreement in his presence and attest that the document is their true and voluntary act and deed.

Section 8. ***Judgment upon Compromise.*** – The conciliator shall make a report on the compromise agreement within five (5) days from the termination of the conciliation proceedings and shall return the records of the case to the Hearing Officer together with the compromise agreement. The Hearing Officer shall forthwith draft a decision for the approval of the Board based on the compromise agreement.

Section 9. ***Confidentiality of Conciliation Proceedings*** – The mediation proceedings and all incidents thereto shall be kept strictly confidential, unless otherwise specifically provided by law, and all admissions or statements made therein shall be inadmissible for any purpose in any proceeding.

Both parties shall not introduce the following as evidence in any other proceeding:

- (a) Views expressed or suggestions made by the other party in respect of a possible settlement of the dispute;
- (b) Admissions made by either party in the course of the proceedings;
- (c) Proposals made by the conciliator; and
- (d) The fact that a party had indicated to the conciliator his willingness to accept a proposal for settlement made by the other party.

No transcript or minutes of the conciliation proceedings shall be taken and personal notes of the conciliator on the conciliation proceedings shall not be furnished the Hearing Officer. Any such transcript, minutes and notes shall be inadmissible as evidence in any other proceedings.

Section 10. **Termination of Conciliation.** – Where no compromise or settlement is reached within thirty (30) days from the date of the initial conference, the conciliator shall terminate the conciliation proceedings, unless both parties agree to an extension which shall in no case exceed a period of thirty (30) days. Upon termination, the conciliator shall forthwith return the case to the Hearing Officer for the service of summons and the inclusion of respondent in the control list of the Commission.

Rule X SUMMONS

Section 1. **Issuance of Summons.** – Summons shall be issued with a copy of the complaint or formal charge requiring the respondent to file his verified answer or counter-affidavit within fifteen (15) days from receipt thereof.

Section 2. **Service of Summons.** – Summons shall be served to the respondent personally or by registered mail at the address indicated in the complaint or at the permanent address as appearing in the records of the Commission, or through a private courier at the expense of the complainant.

If service cannot be made personally, it may be effected by leaving a copy thereof at the respondent's residence with some person of suitable age and discretion residing therein. Service by registered mail or through private courier shall be complete upon actual receipt by the respondent; *Provided*, however, that if he fails or refuses to claim his mail from the post office or from the private courier, service shall take effect upon the expiration of five (5) days from the date he first received the notice of the postmaster or the private courier.

Section 3. **Failure to Serve Summons.** – When the summons is returned without being served, the complainant shall be notified thereof and shall provide another address wherein an alias summons, at the instance of the complainant, will be sent. Failure to comply with such notice within fifteen (15) days from receipt thereof will result in the dismissal of the case without prejudice, unless complainant shall resort to summons by publication.

Upon the second unsuccessful attempt to serve the summons at the addresses provided by the complainant and at the permanent address as appearing in the records of the Commission, the complaint shall be dismissed without prejudice.

Section 4. **Summons By Publication.** – When the respondent's address is unknown, his whereabouts cannot be ascertained by diligent inquiry, and when summons has been returned without being served at the addresses provided by the complainant and at the permanent address as appearing in the records of the

Commission, service of summons, with leave of the Board, may be effected upon him by means of publication once in a newspaper of general circulation and in such places and for such time as the Board may order, at the expense of the complainant. Any application for leave to effect service in this manner shall be made by a motion in writing, supported by an affidavit of the complainant or some person on his behalf, setting forth the grounds for the application.

The order granting such leave shall specify a reasonable time, which shall not be less than thirty (30) days after notice, within which the respondent must answer. In such a case, a copy of the summons, the complaint or formal charge, and the Order granting the summons by publication shall be sent by registered mail to the last known address of the respondent and at the permanent address as appearing in the records of the Commission.

Service by publication may be proved by (1) the affidavit of the printer, his foreman or principal clerk, or of the editor, business or advertising manager, to which affidavit a copy of the publication shall be attached, (2) an affidavit showing the deposit of a copy of the summons, the complaint or formal charge, and (3) an order for publication in the post office, postage prepaid, directed to the respondent by registered mail to his last known address in the records of the Commission.

Rule XI

ANSWER

Section 1. ***Verified Answer or Counter-Affidavit.*** – The verified answer or counter-affidavit shall be specific and shall contain material facts, including documentary evidence, sworn statements of witnesses, if any. It shall also include a statement indicating whether the respondent elects a formal hearing or waives his right thereto and submits the case for decision based on the pleadings.

Section 2. ***Number of Copies.*** – The verified answer or counter-affidavit shall be filed by the respondent in two (2) legible copies, and a copy thereof furnished to the complainant or counsel, if any.

Section 3. ***Extension of Time to File an Answer or Counter-affidavit.*** – Upon motion of the respondent and on such terms as may be just, the Hearing Officer may extend the time to file an answer which in any case shall not be more than twenty (20) days. Only one (1) motion for extension of time to file a verified answer or counter-affidavit shall be allowed.

Section 4. ***Order of Default.*** – An Order of default shall be issued by the Board for failure of the respondent to file his verified answer or counter-affidavit within fifteen (15) days from receipt of summons. Complainant shall be directed to present his testimonial evidence *ex-parte* by way of a judicial affidavit and to file his written formal offer of exhibits, a memorandum decision, including their soft copies, within ten (10) days from the conclusion of the *ex-parte* presentation of evidence. The case shall be deemed submitted for decision after the Hearing Officer has issued an Order on the formal offer of exhibits.

The respondent shall be entitled to notice of subsequent proceedings but shall not be allowed to take part therein.

Section 5. ***Inclusion in the Control List.*** – Upon the issuance of summons, the name of the respondent shall be included in the control list of the Commission. The

name of the respondent shall remain in the Control List until such time that a decision is rendered in his favor, an order is issued dismissing the case, the penalty of suspension, if imposed, has been lifted, or respondent was reinstated, if his license was revoked.

For the purpose of renewal of his Professional Identification Card during the pendency of the case, respondent shall secure a clearance from the Chief of the Legal and Investigation Division.

Rule XII PRE-TRIAL

Section 1. ***Pre-Trial Conference.*** – A mandatory pre-trial conference shall be set within thirty (30) days from receipt by the Commission or the Board of the verified answer or counter-affidavit. The notice of pre-trial conference shall be served upon the parties and their respective counsels of record.

Section 2. ***Filing of Pre-Trial Brief.*** – The parties shall file their pre-trial briefs not less than three (3) days before the date of the pre-trial conference, which shall contain, among others:

- (a) A statement of their willingness to enter into an amicable settlement, indicating the desired terms thereof, if allowable;
- (b) A summary of admitted facts and proposed stipulation of facts;
- (c) Issues to be tried or resolved;
- (d) Documents or exhibits to be presented, stating the purpose and the corresponding markings thereof;
- (e) Number, names and complete address of the witness, and the substance of their respective testimonies;
- (f) Dates of hearing, if there be a need for further hearing, to complete the testimonial evidence within ninety (90) days from the start of the presentation of evidence by either party;
- (g) Willingness to submit the case for decision on the basis of position paper; and
- (h) Such other matters as may aid in the prompt disposition of the case.

Any reservation made by either party to present additional witness/es or documents shall be subject to the discretion of the Hearing Officer.

Failure to file the pre-trial brief within the period prescribed in the first paragraph of this Section shall have the same effect as failure to appear at the pre-trial conference.

Section 3. ***Failure to Appear at Pre-trial Conference.*** – It shall be the duty of the parties and their counsels to appear at the pre-trial conference. A party's non-appearance may be excused only for valid cause shown or if he is represented by a person who is duly authorized by a special power of attorney to act on his behalf respecting all matters subject of the conference.

Failure of the complainant and his counsel to appear at the pre-trial conference shall cause the dismissal of the case. On the other hand, failure on the part of the respondent and his counsel to appear shall be a cause to allow the complainant to present evidence *ex parte* and for judgment to be rendered on the basis thereon.

Section 4. ***Decision As In Default, When Set Aside.*** – The Board may set aside a judgment rendered under the preceding section, within fifteen (15) days from receipt of notice of the decision, if the respondent files a motion to set aside judgment by

default, furnished the adverse party, that his failure to appear at the pre-trial conference was due to extrinsic fraud or accident, and he has a meritorious defense.

Section 5. **Matters to be Considered.** – During the pre-trial conference, the parties shall consider the following:

- (a) Possibility of an amicable settlement, if allowed;
- (b) Stipulation of facts;
- (c) Simplification of issues;
- (d) Identification and marking of exhibits;
- (e) Limitation of the number of witnesses, their names and the substance of their respective testimonies;
- (f) Dates of trial which shall be completed within ninety (90) days from the start of the presentation of evidence by either party;
- (g) Submission of the case for decision on the basis of position paper; and
- (h) Such other matters for the prompt disposition of the case.

The Hearing Officer may adjourn the preliminary conference once if there is a chance of settlement and the parties need time to consider the matter. Otherwise, the Hearing Officer shall proceed with the conference.

Section 6. **Pre-Trial Order.** – The Hearing Officer shall, taking into account the submissions of the parties, issue the pre-trial Order containing the following:

- (a) Matters taken up in the conference;
- (b) Actions taken thereon;
- (c) Amendments allowed to the pleadings; and
- (d) Agreements or admissions made by the parties as to any of the matters considered.

The Pre-Trial Order shall explicitly define and limit the issues to be tried should the action proceed to trial, and the contents thereof shall govern the subsequent proceedings of the case unless modified before trial to prevent manifest injustice.

Section 7. **Summary Judgment.** – In lieu of a hearing, the Board or Commission may require the parties to submit their verified position papers, furnishing each other copies thereof, within fifteen (15) days from the date of pre-trial conference, or receipt of the order from the Board or Commission. The verified position paper shall contain only those charges, defenses, and other claims contained in the affidavits and pleadings filed by the parties. Any additional relevant affidavit and/or documentary evidence may be attached by the parties to their position papers. On the basis of the position papers, affidavits, and other pleadings filed, the case can be considered submitted for decision.

Failure of any party to submit his verified position paper as required shall be deemed a waiver thereof. The case shall be deemed submitted for decision.

Rule XIII TRIAL

Section 1. **Trial.** – Trial shall be held after notice has been served, and in such manner as the Hearing Officer shall direct the parties.

At the start of the trial, the Hearing Officer shall note the appearances of parties and shall proceed with the reception of evidence for the complainant. If after being apprised of the right to counsel, respondent appears without the aid of counsel, he shall

be deemed to have waived his right thereto. Before taking the testimony of a witness, the Hearing Officer shall place him under oath and then take his name, address and other personal circumstances.

No evidence shall be allowed to be presented and offered during the trial in support of a party's evidence-in-chief other than those that had been earlier identified and marked during the pre-trial conference, except if allowed by the Hearing Officer for good cause shown.

Section 2. **Order of Trial.** – Unless the Commission or the Board directs otherwise, the hearing shall proceed as follows:

- (a) Presentation by the complainant of his evidence in support of his complaint;
- (b) Cross examination of the complainant and his witness/es, if any, by the respondent, followed by re-direct examination of the complainant and his witness/es and re-cross examination by the respondent;
- (c) Presentation by the respondent of evidence in support of his defense; and
- (d) Cross examination of the respondent and witness/es, if any, by the complainant, followed by re-direct examination of the respondent and witnesses and re-cross examination by the complainant.

When the presentation of the evidence has been concluded, the parties shall formally offer their evidence either orally or in writing and thereafter, objections thereto may also be made either orally or in writing. After which, both parties shall submit their respective memorandum decisions within twenty (20) days from receipt of the Order submitting the case for decision.

Section 3. **Continuous Trial Until Termination.** – Trials shall be conducted on the dates set and agreed upon during the pre-trial conference. The schedule of the trials shall be strictly followed without further notice.

Section 4. **Consequences of Failure to Appear at the Trial.** – If the counsel for a party fails to appear during the other party's presentation of evidence despite due notice, and without obtaining a prior postponement, such presentation of evidence by the said party shall proceed *ex-parte* and the absent party shall be deemed to have waived his right to cross-examine the witness/es presented at that scheduled hearing.

In the event of the failure of a witness to appear, the Hearing Officer shall order such witness' judicial affidavit expunged.

Section 5. **Judicial Affidavit/s in lieu of Direct Testimonies.** – The Judicial Affidavit Rule pursuant to Administrative Matter No. 12-8-8 of the Supreme Court shall be mandatorily observed.

The affidavit required to be submitted must be properly identified and affirmed by the affiant and shall only state facts of his direct personal knowledge and competence to testify on the matters stated therein. The affidavit shall constitute the direct testimony of the affiant who shall be subject to cross-examination by the opposing party. The affidavit shall be expunged from the records should the affiant fail to testify. A violation of the foregoing requirements shall be a ground to expunge the affidavit or strike a portion thereof from the record.

Section 6. **Modes of Discovery.** – A party who desires to avail himself of the modes of discovery shall do so by motion, in accordance with the Rules of Court, and with prior approval of the Board. Such party shall take steps to complete the process and submit the material portions of the record of the proceedings, previously

undisclosed documents or facts, and the necessary judicial affidavits pertaining to the fruit of the discovery within sixty (60) days from the start of the discovery process.

Section 7. ***Motion for Postponement.*** – A motion for postponement in writing shall be filed and furnished the adverse party at least five (5) days prior to the hearing sought to be postponed.

Either party is granted a maximum of two (2) postponements during the whole proceedings regardless of the number of the complainant/s or respondent/s. Any further postponement shall be denied. Failure on the part of a party to appear at the scheduled hearing shall be considered a waiver of his right to cross-examine the witness/es presented by the other party or to adduce his evidence.

Section 8. ***One-Day Examination of Witness Rule.*** – A witness has to be fully examined in one (1) day. This Rule shall be strictly adhered to, unless, for justifiable reasons, the Hearing Officer allows the extension of the examination.

Section 9. ***Issuance of Subpoena.*** – A party shall make a written request for the issuance of the necessary *subpoena* at least ten (10) days before the scheduled hearing.

Section 10. ***Markings.*** – All documentary evidence or exhibits shall be properly marked as Exhibits A, B, C, and so on, in the case of the complainant, and Exhibits 1, 2, 3, and so on, in the case of the respondent. These shall form part of the records of the case.

Rule XIV DECISION

Section 1. ***Decision.*** – The parties shall be required to file their memorandum decisions in two (2) legible copies, furnished the adverse party and a soft copy furnished the Hearing Officer, within a non-extendible period of twenty (20) days from the date of receipt of the order submitting the case for decision. The memorandum decision shall contain clearly and distinctly the facts, issues and applicable laws and jurisprudence upon which they are based. The Hearing Officer, after considering and appreciating the applicable laws and evidence offered, may adopt, in whole or in part, either of the parties' memorandum decisions.

Upon submission of the memorandum decisions or upon the expiration of the period for their submission, the case shall be deemed submitted for decision.

The decision shall be in writing and signed by at least a majority of the members of the Commission or the Board. It shall contain clearly and distinctly the findings of facts and law upon which it is based.

Section 2. ***Motion for Reconsideration.*** – A party aggrieved by the decision, order or resolution may file a motion for reconsideration within fifteen (15) days from receipt of the decision, order or resolution. Only one motion for reconsideration shall be allowed. A second or subsequent motion for reconsideration shall not be allowed and shall not stop the running of the reglementary period to appeal.

No motion for reconsideration shall be allowed unless it is for any of the following causes:

- (a) Fraud, accident, mistake, or excusable negligence which ordinary prudence could not have guarded against and by reason of which the aggrieved party has probably been impaired of his rights;
- (b) Newly discovered evidence which he could not, with reasonable diligence, have discovered and produced at the hearing, and which if presented would probably alter the results thereof; or
- (c) Imposition of excessive penalty, or insufficiency of the evidence to justify the decision, or the decision is against the law or not in accordance with the facts presented.

A motion to extend the reglementary period to file a motion for reconsideration shall not be allowed.

Section 3. ***Comment/Opposition to the Motion for Reconsideration.*** – Within fifteen (15) days from receipt of a copy of the motion for reconsideration, the adverse party may file a comment/opposition thereto with service of a copy upon the movant.

After the opposition is filed, or at the expiration of the period for filing the same, the motion for reconsideration shall be deemed submitted for resolution.

Section 4. ***Period to Render Decision.*** – The Board shall render a decision, order or resolution within thirty (30) days from the expiration of the period to submit memorandum decision. The decision, order or resolution of the Board shall become final and executory, unless appealed to the Commission within fifteen (15) days from receipt thereof.

Section 5. ***Entry of Judgment.*** – Upon the expiration of the period to appeal as prescribed by these rules, the Legal and Investigation Division of the Commission shall cause the entry of judgment or final order in the Book of Entries of Judgments. The date of finality of the judgment or final order shall be deemed to be the date of its entry. The record shall contain the dispositive part of the judgment or final order and shall be signed by the docket officer, with a certificate that such judgment or final order has become final and executory.

The Book of Entries of Judgments shall be kept and maintained by the Legal and Investigation Division under the supervision of the Chief of said division.

Section 6. ***Certificate of Finality.*** – Upon the entry of judgment, the Legal and Investigation Division shall issue a Certificate of Finality which shall be furnished to the concerned Accredited Professional Organizations or Accredited and Integrated Professional Organizations and concerned government agencies for information, guidance, and appropriate action.

Rule XV IMPOSABLE PENALTY

Section 1. ***Imposable Penalty.*** – The Commission shall revoke or suspend the Certificate of Registration of any member of the Board found guilty of the charge levelled against him, and require the surrender of his Certificate of Registration, Professional License and Professional Identification Card. The Commission shall further recommend to the Office of the President the suspension or removal of the member of the Board from office, as the case may be.

If found guilty by the Board, the respondent professional shall be meted the penalty of reprimand, revocation, or suspension of the authority to practice his profession, and shall be required to surrender his Certificate of Registration/Professional License and Professional Identification Card. In case of a juridical person, the penalty of withdrawal of certificate of accreditation shall be imposed.

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

The impossible penalty on an examinee shall either be the withholding or cancellation of the results of his licensure examination, deferment of his registration, or debarment from taking a licensure examination within a specified period or any future licensure examination.

The impossible penalty under the Civil Service law, rules and regulations shall apply in the case of an official or employee of the Commission.

Rule XVI APPEAL

Section 1. ***Appeal; Period Non-Extendible.*** – The decision, order or resolution of the Board that completely disposes of the case shall be final and executory after the lapse of fifteen (15) days from receipt thereof without an appeal being undertaken by either party.

The aggrieved party may file a notice of appeal to the Commission together with the appeal memorandum, copy furnished the adverse party, within a non-extendible period of fifteen (15) days from receipt of the decision, order or resolution, and shall pay the appeal and legal research fees. The appellant shall be required to submit a counter-memorandum.

Section 2. ***Pleadings Allowed on Appeal.*** – The only pleadings allowed on appeal are the appeal memorandum, counter-memorandum and memorandum decisions by both parties. Unless otherwise directed by the Commission, no other pleadings shall be allowed, and the filing thereof shall not stay the period for the resolution of the appeal.

Section 3. ***Appeal and Legal Research Fees.*** – Upon filing of the notice of appeal, the appellant shall pay the appeal and legal research fees. Failure to pay the appeal and legal research fees within the period for appeal shall be a ground for the dismissal of the appeal.

Section 4. ***When Appeal Deemed Filed.*** – A notice of appeal personally submitted shall be deemed filed on the date stamped thereon, or on the date shown by the postmark on the envelope or registry receipt if sent by registered mail or through a private courier.

An appeal from an interlocutory order shall be dismissed.

Section 5. ***Requirements for Perfection of Appeal.*** – An appeal shall be deemed perfected upon compliance with the following requirements:

- (a) Notice of appeal stating the specific material date when the decision, order or resolution was received;
- (b) Official receipt of the appeal and legal research fees attached to the notice of appeal;
- (c) Two (2) legible copies of the appellant's brief or appeal memorandum which shall set forth concisely a statement of the matters involved, the issues raised, the specification of errors of fact or law, or both, and the arguments relied upon for the allowance of the appeal; and
- (d) Proof of service upon the adverse party.

Failure to comply with any of the foregoing requirements shall be a ground for the dismissal of the appeal.

Section 6. ***Evaluation and Action on Appeal.*** – Before a decision, order or resolution is elevated on appeal to the Commission, the Board, through the Hearing Officer, shall first ascertain whether the appeal is not from an interlocutory order, and whether the requirements for perfecting an appeal have been complied with. Thereafter, the Board, through the Hearing Officer, shall issue an Order informing the parties that the appeal is given due course. The Commission, through the Office of the Assistant Commissioner, shall direct the appellee to submit the appellee's brief or counter-memorandum, fifteen (15) days from the receipt of the directive.

Section 7. ***Memorandum Decision.*** – The parties shall thereafter be required to submit a memorandum decision within twenty (20) days from receipt of the directive, together with a soft copy furnished the Office of the Assistant Commissioner. Upon the expiration of the period for their submission, the case shall be deemed submitted for decision.

The memorandum decision shall contain clearly and distinctly the facts, issues and applicable laws and jurisprudence upon which they are based. The Commission, after considering and appreciating the applicable laws, rules and regulations, and the evidence submitted, may adopt, in whole or in part, either of the parties memorandum decisions.

Section 8. ***Decision in Appealed Cases.*** – The decision, order or resolution of the Commission shall become final and executory within fifteen (15) days from receipt thereof, unless appealed to the Court of Appeals by way of a Petition for Review under Rule 43 of the Rules of Court.

Section 9. ***Records on Appeal.*** – The records of the case shall remain in custody with the Commission until the decision, order or resolution shall have become final and executory.

RULE XVII EXECUTION OF DECISION, ORDER OR RESOLUTION

Section 1. ***Execution.*** – Execution shall issue as a matter of right, only after a decision, order or resolution that finally disposes of the action or proceeding shall have become final and executory. The records of the case shall be forwarded to the Legal and Investigation Division after execution of the decision, order or resolution for consignment to the archives.

Section 2. ***Execution by the Legal and Investigation Division.*** – Decisions, orders or resolutions of the Commission or the Board which have become final and executory shall be immediately enforced and executed through the Legal and Investigation Division, in coordination with the concerned Accredited Professional Organizations/Accredited and Integrated Professional Organizations and concerned government agencies.

Section 3. ***Surrender of Certificate of Registration/Professional License and Professional Identification Card.*** – The Chairman, or a duly designated member of the Board, shall sign the certification attesting to the surrender of the Certificate of Registration/Professional License and Professional Identification Card by those upon whom the penalty of suspension or revocation have been imposed. The Legal and Investigation Division shall be responsible for the safekeeping of the surrendered Certificates of Registration/Professional License and Professional Identification Card.

RULE XVIII MISCELLANEOUS PROVISIONS

Section 1. ***Legal Fees.*** – All legal fees relating to the adjudication of cases shall be in accordance with the schedule of fees approved by the Commission.

Section 2. ***Government Exemption from Fees.*** – The Republic of the Philippines, its agencies and instrumentalities, are exempt from paying the legal fees provided herein. Local government units and government-owned or controlled corporations with or without independent charters are not exempt from paying such legal fees.

Section 3. ***Legal Fees for Multiple Appellants.*** – If two or more parties in a case file separate appeals, each party shall pay the full amount of the legal fees.

Section 4. ***Non-Refund of Legal Fees.*** – All legal fees paid to the Commission shall be non-refundable.

Rule XIX SEPARABILITY CLAUSE

Section 1. ***Separability Clause.*** – If any provision or part of the Rules is declared invalid or unconstitutional by a competent authority, the other provisions or parts thereof not affected shall remain in full force and effect.

Rule XX REPEALING CLAUSE

Section 1. ***Repealing Clause.*** – PRC Resolution No. 2013-775, series of 2013, is hereby repealed. All other issuances inconsistent herewith are likewise repealed or modified accordingly.

Rule XXI
EFFECTIVITY CLAUSE

Section 1. **Effectivity.** – These Rules shall take effect fifteen (15) days following its full and complete publication in the Official Gazette or in a newspaper of general circulation.

Three (3) certified true copies of this Resolution shall be furnished the U.P. Law Center.

Done in the City of Manila, Philippines, this 31st day of March 2017.



TEOFILO S. PILANDO, JR.
Chairman

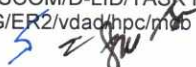


ANGELINE T. CHUA CHIACO
Commissioner



YOLANDA D. REYES
Commissioner

OCH/O-CI/O-CII/O-ASCOM/D-LID/TASK FORCE
TSP/ATCC/YDR/ATG/ER2/vdad/hpc/mab



DATE OF PUBLICATION IN THE
OFFICIAL GAZETTE : 7-10-17
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