

PRC Modernization Act of 2000



REPUBLIC ACT NO. 8981 "THE PRC MODERNIZATION ACT OF 2000"

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

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

SECTION 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 has been determined by honest and credible licensure examinations and whose standards of professional service and practice are internationally recognized and of professional service and practice are internationally recognized and considered world-class brought about the regulatory measures, programs and activities that foster professional growth and advancement.

SECTION 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.

SECTION 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 Chairperson, the most senior of the Commissioner shall temporarily assume and perform the duties and functions of the Chairperson until a permanent Chairperson is appointed by the President.

The Chairperson or commissioner shall be at least forty (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.

SECTION 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 professionals 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.

SECTION 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 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.

SECTION 7. *Powers Functions and Responsibilities of the Commission.* The powers, functions, and responsibilities of the Commissioner 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



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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 issuance as may be necessary in the execution and implementation of its functions and the improvement of its services;
- Y (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 board 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, 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 day 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 the 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 successful examinees to the practice of the profession or occupation; cause the entry of their names of its registry book and

computerized database; issue certificated 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 Watch-keeping (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 Board, 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 there under 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

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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 prepared by it and approved by the Office of the President upon the recommendation of the Department of Budget and Management (DBM) to meet the changing conditions or as the need arises: *Provided*, 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 certificated 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 citizen 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: *Provide, 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 nations 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 ensue 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 citizen, 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 result thereof in a new paper of national circulation;
- (n) To adopt and institute a comprehensive rating system for universities, colleges, and training institutes based on the passing ration 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



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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 in 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 cooperation 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 provision 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 or 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; and
- (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 issuance.

SECTION 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.

SECTION 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 provision 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 inspection in industrial, mechanical, electrical or chemical plants establishments, hospitals, clinics, laboratories, testing facilities, mines and quarries, other engineering facilities and in the case of schools, in coordination with the Commission on Higher Education (CHED);
- (c) To hear and investigate cases arising from violations of their respective laws, the rules and regulations promulgated hereunder and their Codes of Ethics and for this purpose, may issue summons, *subpoena* and *subpoena duces*

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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, reinstate 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 result 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; and
- (i) To prepare an annual report of accomplishment 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.

SECTION 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.

SECTION 11. *Person 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 CHED).

SECTION 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 there under by prosecuting the violators thereof in accordance with law and the rules of court.

SECTION 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 Appropriation Act.

SECTION 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 million pesos (P45,000,000.00) 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.

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

- (a) Any person who manipulated or rigs licensure examination results, secretly informs or makes



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known licensure examination question 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 (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 to 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.

SECTION 16. *Penalties for Violations of Section 7, subparagraph (1) by Heads of Government Agencies or Offices of Private Entities/Institutions.*- Any head of a government agency or officer(s) of a private firm/institution who violates Section 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.

SECTION 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 DBM, and the CHED shall prepare and promulgate the necessary rules and regulations needed to implement the provisions of this Act.

SECTION 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.

SECTION 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 provision to other persons or circumstance shall not be affected by such declaration.

SECTION 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.

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

Approved : December 5, 2000