

Region 10; R10; R0; Asia & Pacific - Region 10

R00015 Republic Of Philippines Section

**MGA KAUTUSANG PANGPANGASIWAAN AT ALITUNTUNIN NG
MGA KAGAWARAN, KAWANIHAN AT TANGGAPAN**
(DEPARTMENT, BUREAU AND OFFICE ADMINISTRATIVE
ORDERS AND REGULATIONS)

Office of the President

REPUBLIC OF THE PHILIPPINES
OFFICE OF THE PRESIDENT
PROFESSIONAL REGULATION COMMISSION
P. O. BOX 2088, MANILA

RULES AND REGULATIONS GOVERNING
THE REGULATION AND PRACTICE OF
PROFESSIONALS

PRELIMINARY ARTICLE

Pursuant to Section 5, paragraph (n) of Presidential Decree No. 223, the following Rules and Regulations are hereby promulgated with the view of effectively implementing policies with respect to the regulation and practice of professionals:

ARTICLE I

Definition of Terms

Section 1. Unless otherwise provided, the following terms shall be understood to mean:

- a) *Commission*—The Professional Regulation Commission created under Presidential Decree No. 223.
- b) *Boards*—All regulatory boards under the Commission, including those that may hereafter be created. The existing regulatory Boards are the following:

1. Board of Accountancy
2. Board of Agricultural Engineering
3. Board of Architecture
4. Board of Chemical Engineering
5. Board of Chemistry
6. Board of Civil Engineering
7. Board for Customs Brokers
8. Board of Dentistry
9. Board of Dietetics
10. Board of Electrical Engineering
- 11. Board of Electronics and Communications Engineering
12. Board for Foresters
13. Board of Geodetic Engineering
14. Board of Geology
15. Licensing Board for Contractors
16. Board for Deck Officers
17. Board for Engine Officers
18. Board of Master Plumbing

19. Board of Mechanical Engineering
20. Board of Medical Technology
21. Board of Medicine
22. Board of Midwifery
23. Board of Mining Engineering
24. Board of Naval Architecture and Marine Engineering
25. Board of Nursing
26. Board of Optometry
27. Board of Pharmacy
28. Board of Physical and Occupational Therapy
29. Board of Sanitary Engineering
30. Board of Sugar Technology
31. Board for Social Workers
32. Board of Veterinary Medicine

- c) *Professionals*—Those whose names appear in the registration book of the Commission as authorized to practice their respective professions.
- d) *Practicing Professionals*—Those who are engaged in, or are performing acts constituting public practice of their respective professions whether regularly or otherwise, including those holding positions in the Government, requiring knowledge of their professions.

ARTICLE II

Composition of the Commission

Section 1. The Commission shall be composed of three Members, namely, a full time Chairman and two full time Associate Commissioners. Any vacancy in the Commission shall be filled for the unexpired term only with the most senior of the Associate Commissioners succeeding the Chairman at the expiration of his term, resignation, or removal.

Sec. 2. The Chairman and Associate Commissioners shall be appointed by the President for a term of nine years without reappointment to start from the time they assume office. No person shall be appointed Chairman or Associate Commissioner of the Commission unless he is at least forty years of age, familiar with the principles and methods of professional regulation or licensing, and has at least five years of executive or managerial experience.

Sec. 3. The Chairman and the Associate Commissioners shall, as a body, exercise general administrative, executive, and policy-making functions for the whole agency.

Sec. 4. The Chairman is the official spokesman of the Commission. He shall preside at all meetings and shall sign all official documents, letters, and communications for the Commission.

ARTICLE III

Application, Examinations and Registration

Section 1. Before an applicant for admission as a professional may be admitted to the first subject of the licensure examinations he is applying for, he must, on the first day of examination possess all the qualifications prescribed by law and the Rules and Regulations for said examinations.

Sec. 2. All applications shall be made in the form prescribed by the Commission and no application made otherwise will be accepted. All questions in these forms must be answered in full and in the handwriting of the applicant. A dash or line is not an answer to a question. A false statement knowingly made in the application or any deception, misrepresentation, or fraud on the part of the applicant will be sufficient cause for the cancellation of his examination papers and a ground for criminal prosecution. The application shall be accompanied by the examination record card that will be furnished by the Commission, free of charge, two recent size 2 x 2-1/2 bust photographs, the birth certificate of applicant, or proof of its loss and affidavits of birth executed by parents or persons familiar with the family, and if required, a medical certificate in a prescribed form, as well as proof of Filipino citizenship or reciprocity between the Republic of the Philippines and the state or country of which he is a subject or citizen.

Sec. 3. Unless otherwise directed, the application and all other papers supporting an applicant's qualifications must be filed with the Commission not later than ten days before the first day of the examinations. If filed through the mails, the same must be received at least ten days before the start of the examinations. The Board concerned, subject to review by the Commission, shall satisfy itself that each applicant possesses the necessary qualifications.

Sec. 4. Educational attainment is best evidenced by the applicant's transcript of records or diploma. In all other matters requiring proof, secondary evidence shall be accepted only upon proof of non-existence or unavailability of the primary and best evidence.

Sec. 5. The examination fee must be paid to the Cashier of the Commission upon the filing of the application.

Sec. 6. Notice of the final action taken on the application must be relayed to the applicants at least two days prior to the first day of the licensure examinations applied for.

Sec. 7. An applicant whose application has been duly approved shall be issued a Notice of Admission and shall be given detailed instructions on how the examinations shall be conducted. Said Notice of Admission shall contain instructions to examinees designed to avoid impersonation and cheating, and to ensure the anonymity of the examination papers before the release of the examination results.

Sec. 8. Violation of any of the instructions shall subject the erring candidate or examinee to administrative disciplinary action which may include cancellation of his examination papers and debarment from taking future board examinations.

Sec. 9. Licensure examinations shall be conducted in accordance with the general procedure prescribed by the Commission. It shall, among others, embody provisions that will ensure that only those whose applications which have been duly approved together with the payment of examination fees are admitted, and provisions that will guard against impersonation, cheating, and error in attaching sealed identification numbers.

Sec. 10. No candidate or examinee shall, during the progress of the examinations communicate with a fellow candidate or examinee by means of words, signs, gestures, codes, and other similar acts which may enable him to exchange, impart, or acquire relevant information. Violation of this provision, or any misconduct or irregularity committed by a candidate or examinee shall be sufficient cause for the cancellation of his examination papers or debarment from taking future examinations, or both.

Sec. 11. Investigations for violation of the instructions to examinees and for violation of the preceding section may be summary in nature at the option of the Commission.

Sec. 12. In the case of an application for registration without examination, the application and the necessary proof of qualifications must be filed, accompanied by the registration fee required to be paid by law, on or before the deadline set in the Board Law concerned or the Rules and Regulations promulgated in pursuance thereof.

Sec. 13. Each Board shall prepare a program of examinations and the same shall be issued to the examinees at least ten days before the date of the start of the examinations. No program shall be issued indicating the name of the Board Member of a given subject or subjects.

Sec. 14. The questions shall be personally prepared and, as far as practicable, in the handwriting of the Board Members themselves and shall be kept strictly confidential.

Sec. 15. The questions, which shall be signed by the Board Member concerned, shall be ready for printing on the day of the examination and should be personally brought by the Board Member to the place of the examination. If this is not possible, the Board Member may request the Chairman of the Commission or his authorized representative to take them to the place of the examinations. The questions should be placed in an envelope securely sealed. This envelope must be enclosed in another envelope which might be opened without revealing the questions. The Board Member concerned whenever possible, must be present, during the printing of his questions.

Sec. 16. The original questionnaire in the handwriting of the author thereof duly signed by him shall be given to the Chairman of the Commission after the printing for purposes of record.

Sec. 17. A permanent file of these questions shall be kept together with five mimeographed copies. Unless otherwise directed by the Commission, these questions shall be treated as confidential matters until after the release of the results of the particular examinations.

Sec. 18. In preparing questions, the following rules shall be strictly observed:

(a) The time to be allowed for answering the entire questionnaire in a given subject must be stated which should be determined according to the type, character, nature, and number of questions from the average examinee's point of view.

(b) Questions should be definite and should require definite answers. The construction of the questions should be complete and carefully checked to avoid the possibility of ambiguity or of misunderstanding of the same by the average examinee.

(c) Questions should be reasonable, neither too difficult nor too easy. A relatively uniform standard as to the degree of difficulty of the questions should be adhered to. Extremes should be avoided.

(d) As much as possible the questions should cover only basic fundamentals relevant to the practice of the profession concerned.

(e) Members of the Board should strive to make their questions as fair, practical, and representative as possible keeping in mind that the examinations are designed to test proficiency in the practice of the profession involved. If possible, new terms, inventions, and discoveries which have not been widely treated in common textbooks should be avoided.

(f) Whether aids like engineering handbooks, logarithmic tables, slide rules, and the like may be allowed, should be stated.

(g) Samples of old questions may be referred to for guidance. The questions to be given should be original and should not be copied verbatim

from old questionnaires, textbooks, quizzes, or outlines used in school classes or review courses.

(h) The Board Member should always carefully proofread the stencil for the questionnaire before it is released for mimeographing.

Sec. 19. (a) The Professional Regulation Commission and the Board concerned shall jointly have charge over the conduct of the examinations given by that Board according to these rules and regulations.

(b) During the printing of the questions the Board Member or Members concerned and the employees assigned shall be the only persons allowed to remain within the premises where the printing is being done and shall refrain from going out until the printed questions shall have been accounted for and distributed to the examinees.

Sec. 20. Board Members shall help maintain integrity of licensure examinations. When asked to clarify and explain their questions, Board Members should give the explanations to all examinees in the examination room.

Sec. 21. Persons other than the examinees, the Members of the Board, and duly authorized officials and employees of the Commission shall not be allowed in the premises of the examinations at all times.

Sec. 22. The following provisions shall govern the postponement of licensure examinations and other special cases:

a) Only the Commission, upon recommendation of the particular Board concerned may reschedule any examinations or series of examinations.

b) No previously scheduled examinations shall be postponed or cancelled on the day of the examinations, except upon previous consultation of the Board concerned with the Commission, when feasible, or with the Chairman or any of the Commissioners, in exceptional cases.

c) In special cases where the examinations are conducted outside the Greater Manila area, examinations may be cancelled upon the authority of the Board concerned or of the Chairman or any of the members thereof if no quorum of said Board can be had thereat. Nevertheless, efforts should be exerted to obtain the previous approval of the Commission or at least of the Chairman or any of the Commissioners thereof.

d) Scheduled examinations may generally be postponed only in cases of public calamities in the place of the examinations, such as unusually high floods, or fire, or earthquake in the building or buildings where examinations are conducted such that the examinations therein would be disrupted, epidemics raging widely in the vicinity of the examinations or other incidents of general character affecting the public as a whole.

e) Examinations may be postponed or cancelled and reset for another date for the above causes

mentioned in the immediately preceding paragraph only if twenty-five per cent of the total number of examinees admitted are absent, in which case the examinations in regard to those present shall not proceed but the entire examinations for all examinees shall be rescheduled.

f) In case an examination is begun and thence interrupted by any fortuitous event such as fire or earthquake, in a manner that the examinations cannot proceed without endangering life, the said examination shall be called off and cancelled in regard to all examinees in the subject and special examinations rescheduled.

g) No special examinations for any cause whatsoever personal to an examinee or examinees such as sudden illness or the like shall be given.

h) No examinations for any particular candidate shall be given outside the examination building or place where the examinee cannot be observed not only by the watchers of the Commission but by the other examinees as well.

i) Under normal conditions, examinees arriving late may be admitted if the tardiness does not exceed thirty minutes and provided that no other examinee has finished taking the examinations and has submitted his or her papers. However, should the examinations proceed notwithstanding the adverse conditions mentioned in paragraph (d) hereof, examinees who arrive late may be allowed to take the examinations and their time allotment extended at the discretion of the Board concerned or of its Chairman or any of the members, if no quorum can be had, upon previous consultation with, and approval of the Chairman or any of the Commissioners, when feasible, provided that the examinations are administered under the strictest conditions to preserve their integrity.

Sec. 23. Each Board Member shall be given only one bunch of fifty papers or such number as may be authorized by the Commission, for correction at a time by the Chief of the Rating Division or his authorized representative who shall record and receive the same after the correction.

Sec. 24. Answers to every question must be rated by at least two Members of the Board, the first corrector consistently using blue colored pencil or ink and the second, red. The third Member may just confine himself to checking if all the rules regarding correction have been complied with in which case he shall simply check the total rating for each subject and affix his initials thereon using green colored pencil or ink. Each examination paper shall be initialed by the Board Member who rated it in the space indicated in the questionnaire attached to the paper.

Sec. 25. Answers to each question should be graded on a one hundred per cent point basis. If the question is composed of sub-divisions or if it

lends itself to being divided into essential parts or points to be covered, the one hundred per cent should be apportioned accordingly among the subdivisions or parts. If credits are specified for each question, each such credit should be the rating for a perfect answer to the question; for instance, if twenty per cent is indicated for question No. 1 on the questionnaire, a perfect answer gets twenty per cent. Answers less than perfect should be given aliquot parts of the credit indicated, according to the relative merit, of the answer as determined by the Board Members: Provided, that where a question calls for an enumeration or an answer that lends itself to sub-divisions, the credit indicated should be divided by the number of items in the required answer; for example, if a question marked twenty per cent on the question sheet can be broken up into ten items, each such item should be given a credit of two per cent. The grade given to each number should be clearly written on the examination papers. In case the rating given by a Board Member to an answer differs by more than ten per cent from that given by another, they shall so adjust their ratings so that the difference would not be more than ten per cent.

Sec. 26. The two Members of the Board rating any subject should see to it that the difference between their ratings for any answer does not exceed ten per cent. If one hundred per cent is apportioned to, say five items, each item being allotted twenty per cent, the difference between the sum of the ratings of the two Board Members for the five items should not be more than ten per cent provided that in no single item should a member give zero and the other some credit.

Sec. 27. If it is desired to change a rating already given, the same should be crossed out, not erased, and the revised rating indicated above the altered rating, initialed by the Board Member making the change.

Sec. 28. The Members of the Board shall not open or cause to be opened the small sealed envelopes attached to the examination papers.

Sec. 29. After all the papers have been rated and initialed by the Members of the Board, they may reconsider the corrections previously made by them to ensure that the ratings given are just and fair. The papers will then be turned over by the Board to the Chairman of the Commission who will then order the computation, opening of the sealed identification envelopes attached to the examination papers, assembly, and entrance of the grades on the report of ratings. Once the papers are turned over to the Chairman of the Commission, the Board loses jurisdiction over the examination papers and may no longer make changes in the ratings except in the deliberation of close and borderline cases as herein below specified.

Sec. 30. Close or borderline cases shall refer to the following:

(a) Cases of candidates whose original general averages are not more than two per cent below the passing general average fixed by law or regulation: Provided, that the candidates concerned have no original or unadjusted disqualifying rating in any subject that is more than two per cent below the minimum rating prescribed by law or regulation nor more than two per cent below fifty per cent which is prescribed in any subject where no minimum rating is required by law or regulation.

(b) Cases of candidates who obtained passing original or unadjusted general averages but who have disqualifying ratings in individual subjects which are not more than two per cent below the minimum rating prescribed by law or regulation, or not more than two per cent below fifty per cent in any subject where no minimum rating is required by law or regulation.

(c) In close or borderline cases, the general ratings of the candidates shall not be adjusted automatically to the passing general average or to the required minimum rating; only those whose papers are found to merit such adjustments after a careful review thereof shall be so adjusted.

(d) The authority of the different Boards to deliberate on close or borderline cases may be exercised only after the general averages of the candidates have been computed but before the identities of the candidates are known; such deliberation shall in no case be made after the identities of the candidates shall have become known.

Sec. 31. The Chairman of the Commission will call a meeting of the Board to deliberate on close or borderline cases.

Sec. 32. The Board concerned shall adopt its resolution on the tabulated results of the examinations which shall both be transmitted to the Commission for approval.

Sec. 33. Unless otherwise fixed by the Commission as the circumstances may warrant, the examination papers, duly scored and rated shall be submitted for approval not later than one hundred and twenty days after the last examination day.

Sec. 34. Board Members shall not release any information about the results of the examinations while the same are under consideration. No Board Member shall inform a candidate of his rating or standing in the examinations before the official release to the media of the results thereof. All that transpired during the deliberation shall be kept confidential.

Sec. 35. The insertion of names of candidates in the table of results shall be strictly confidential and may not be witnessed by those unauthorized including the Board Members.

Sec. 36. Requests for reconsideration of ratings may be entertained only on grounds of mechanical, clerical or clear errors or if it is conclusively shown that there had been malfeasance or misfeasance in the rating of the papers, such requests to be filed with the Commission within thirty days from the date of the official release of the results of the examinations.

Sec. 37. There shall be created a Committee composed of three members which shall go over the examination papers before the opening of the sealed envelopes to determine if there is any irregularity in any examination papers. It shall report its findings to the Commission.

Sec. 38. Certificates of registration shall be issued to every examinee who qualifies in the examinations, and who has met the requirements prescribed in the Board Law concerned and these Rules and Regulations and other regulations. No certificate of registration shall, however, be issued to any candidate convicted by a court of competent jurisdiction of any offense involving moral turpitude, to any candidate found guilty of immoral or dishonorable conduct, and to any candidate of unsound mind; Provided, however, that after the lapse of two years, for reasons of equity and justice, the Commission may issue such certificate of registration upon recommendation of the Board.

Sec. 39. (a) Every certificate of registration shall show the full name of the registrant with a serial number, and shall be signed by all the Members of the Board and the Chairman of the Commission. It shall likewise carry the official seals of the Board concerned and the Commission with a recent size 2" X 2" bust photograph of the registrant affixed and sealed on the upper right-hand corner thereof.

(b) The certificate of registration issued by the Board to the registrant shall be evidence that the person named therein is entitled to the rights and privileges appurtenant to the profession to which he belongs while said certificate remains in force or unrevoked.

Sec. 40. Every successful examinee must, before exercising the rights and privileges of a professional, take his professional oath in the form prescribed by the Commission, before any person authorized to administer the same. Prior thereto or upon qualifying in the licensure examinations, the registration fee as provided for by law shall be paid to the Commission.

Sec. 41. An annual registration fee prescribed by law shall be charged every practicing professional which must be paid not later than January 20 of the year next following the calendar year in which it is due. Failure to pay this fee for five continuous years shall constitute sufficient cause for the suspension of his registration certificate.

Sec. 42. A duplicate certificate of registration may be issued upon the filing of a petition to that effect incorporating therein the affidavit of the petitioner specifying the circumstances surrounding its loss. The Commission may charge the proper fee therefor.

ARTICLE IV

Administrative Investigations

Section 1. A complaint against a professional or an examinee for 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 or perpetration of fraud or deceit in the acquisition of registration certificate; or for any cause or causes as provided by the Act creating the Board and the Rules and regulations promulgated pursuant thereto, shall be in writing and under oath.

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

Sec. 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.

Sec. 4. The complaint shall be filed in six copies with the Commission which shall, upon payment by the complainant of the docket fee of ten (P10.00) pesos, designate a number which shall be known as administrative case number. A pauper complainant as determined by the Commission may be exempted from the payment of docket fee.

Sec. 5. Any complaint 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 by the complainant.

Sec. 6. If the complaint appears to have merit, the respondent shall be served with summons within five days from the filing of the same.

Sec. 7. Summons shall consist of the letter-subpoena requiring appearance of the respondent at a designated time and place or letter requiring him to answer within the period therein specified, and a copy of the complaint and its enclosures.

Sec. 8. If the Board does not require an answer, the respondent may at the initial hearing submit his answer under oath, together with the sworn statements of his witness or witnesses and such documentary evidence for his defense in six copies,

serving simultaneously a copy thereof upon the complainant.

Sec. 9. If the respondent's answer is required, the Board shall set the case for hearing within five days after receipt of said answer and unless there are other issues to be resolved, the Board shall consider the case submitted for decision.

Sec. 10. In his answer, the respondent shall state clearly and unequivocally if he elects to have a formal investigation of the charges against him or to have the case decided on the pleadings.

Sec. 11. Service of summons on the respondent vests upon the Board the power to hear and decide the case even if the respondent should subsequently leave the Philippines.

Sec. 12. Service of summons, pleadings, motions, notices, orders, decisions 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 Board having charge of the investigation. Service of summons, pleading, motions, notices, orders, decisions and other papers on the counsel of record shall be binding on the parties he represents: Provided, however, that notice in open hearing shall be sufficient notice to the parties present thereat.

Sec. 13. Service of summons, pleadings, motions, notices, orders or decisions and other papers may be made by delivering personally a copy to the party or his attorney, 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, then by leaving the copy, between the hours of eight in the morning and six in the evening, at the party's or his attorney's residence, if known, with a person of sufficient discretion to receive the same.

Sec. 14. If service is not made personally, service by registered mail shall be required if registry service exists in the locality; otherwise, service may be made by depositing the copy in the post office, in a sealed envelope, plainly addressed to the party or his attorney at his office, if known, otherwise at his residence, if known, with postage fully prepaid and with instructions to the postmaster to return the mail to the sender after ten days if undelivered.

Sec. 15. Personal service shall be considered complete upon actual delivery. Service by ordinary mail shall be complete upon the expiration of ten days after mailing unless the Board provides otherwise. Service by registered mail shall be complete upon actual receipt by the addressee; but if he fails to claim his mail from the post office within five days from the date of first notice of the postmaster service shall take effect at the expiration of such time.

Sec. 16. Whenever the address of a respondent is unknown and cannot be ascertained by diligent inquiry, service of summons may, by leave of the Board, be effected upon him by publication in a newspaper of general circulation and in such places and for such time as the Board may order. Such service may be proven by 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.

Sec. 17. The respondent shall be entitled to be represented by counsel or be heard in person, to have a speedy and public trial, to confront and to cross-examine witnesses against him, and to all other rights guaranteed by the Constitution.

Sec. 18. The parties may appear personally or with the aid of counsel. Any change in counsel of record must be by leave of the Board.

Sec. 19. Hearings or investigations of administrative cases may be delegated by the Board through its Chairman to any legal or hearing officer of the Commission. Such delegation of authority shall not, however, preclude any member of the Board concerned from attending the formal hearing. If the hearing or investigation is presided by a panel, the ruling or order of the legal or hearing officer on the points of law involved shall be final and appealable to the Commission within two days. The appeal shall not stay further proceedings.

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

- (a) The complainant must produce the evidence on his part;
- (b) The respondent shall then offer the evidence in support of his defense;
- (c) The parties may then respectively offer rebuttal evidence only, unless the Board, for good reasons, in the furtherance of justice, permits them to offer evidence upon their original case;
- (d) When the presentation of evidence is concluded, unless the parties agree to submit the case without argument, the complainant or counsel may take the opening argument followed by the respondent or counsel with the complainant or counsel making the concluding argument.

Sec. 21. The rules on evidence shall be applicable in these investigations but technical errors in the admission of the evidence which do not prejudice the substantive rights of either party shall not vitiate the proceedings.

Sec. 22. Any Member of the Board or hearing officer of the Commission shall have the power to exclude from the hearing room any person who, during the hearing conducts himself in a disorderly manner or disrupts the proceedings.

Sec. 23. All motions shall be made in writing except motions for continuance made in the presence of the adverse party, or those made in the course of a hearing.

Sec. 24. Motions for continuance shall be served by the movant upon all parties concerned, at least five days before the scheduled hearing sought to be postponed.

Sec. 25. No motion shall be acted upon by the Board, without proof of service thereof, except when the Board is satisfied that the rights of the adverse party or parties are not affected.

Sec. 26. No postponement shall last more than ten days and in no case shall the Board grant more than two postponements for each party. If, after two postponements, either or both parties are without counsel, the Board shall proceed with the hearing of the case and shall conduct the cross-examination of witnesses.

Sec. 27. If the complainant does not appear at the time and place designated in the summons, subpoena, or in subsequent order, the Board may dismiss the complaint for lack of interest or failure to prosecute. But such dismissal without a hearing shall not be a bar to a subsequent complaint for the same cause unless otherwise stated by the Board.

Sec. 28. If the respondent does not appear at the time and place designated in the summons, subpoena or in a subsequent order, he may be declared in default and the Board shall thereupon proceed to conduct the cross-examination of the complainant and his witnesses and render its decision in accordance with the facts alleged and proved.

Sec. 29. The Board, may in its discretion, require the complainant or respondent, or both, through their respective counsel, should they have any, to submit their written memoranda in support of their respective sides. Thereafter, the Board shall meet *en banc* to render its findings of facts and to determine the penalty to be imposed if the respondent shall be adjudged guilty of the charge or charges against him.

Sec. 30. The decision shall be in writing and shall be signed by at least a majority of the Members of the Board before whom the case is filed.

Sec. 31. The decision shall contain clearly and distinctly findings of facts and of law on which said decision is based. If the complaint is based on a breach of rules and regulations or of the ethics of the profession, the same shall also be stated in the decision.

Sec. 32. The filing of a criminal case against any professional involving the same facts as in the administrative case filed before the Board shall not suspend the proceedings of the latter case. The Board may proceed independently of the hearing of the criminal case and shall render its decision according to the facts proved and the law involved.

SEC. 33. A petition for reconsideration or for re-hearing shall be filed within thirty days after receipt of the decision. A petition filed after this period shall not be entertained and shall be archived without action unless the Board, for special reasons which must be stated in its decision decides to act on the petition. Only one petition for reconsideration shall be entertained.

SEC. 34. No petition for reconsideration shall be entertained unless it be for the following cause or causes which in all probability may affect the substantive rights of the aggrieved party:

(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 result;

(c) Imposition of excessive penalty, or insufficiency of the evidence to justify the decision, or that the decision is against the law or not in accordance with the facts presented.

SEC. 35. The respondent may appeal the decision of the Board within thirty days from receipt thereof to the Commission whose decision shall be final.

Complainant, when allowed by law, may interpose an appeal from the decision of the Board within the same period.

SEC. 36. The decision of the Board may be appealed to the Commission by serving upon the adverse party and filing with the Board within thirty days from notice of said decision, a notice of appeal together with the arguments in support thereof and the payment of the appeal fee of fifty (P50.00) pesos. The time during which a motion or petition for reconsideration has been pending shall be deducted from the period for perfecting an appeal unless such motion is performed or filed for purposes of delay. Appealed cases shall be decided within a reasonable time.

SEC. 37. The notice of appeal shall specify the parties, shall designate the decision appealed from and the appellate authority to which the appeal is taken.

SEC. 38. Upon the filing of the notice of appeal, together with arguments therefor and the payment of the appeal fee, the appeal shall be deemed perfected and the Board loses its jurisdiction over the case.

SEC. 39. The Secretary of the Board shall transmit to the Commission the complete record of the case within five days after appeal is perfected. The adverse party shall thereupon be given time, which shall not be more than thirty days nor less than ten days, to submit his counter arguments. Thereafter, the appeal shall be considered

submitted for resolution unless otherwise directed by the Commission.

ARTICLE V

Execution of Decision

Section 1. Execution shall issue only upon a decision or order that finally disposes of the action or proceeding. Such execution shall issue as a matter of right upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

SEC. 2. Decisions or orders of the various Boards which have become final and executory shall be immediately enforced and executed.

ARTICLE VI

Relief From Decisions, Orders, or Proceedings

Section 1. When a decision is rendered by a Board in a case, and a party thereto, by fraud, accident, mistake, or excusable negligence, has been unjustly deprived of a hearing therein, or has been prevented from taking an appeal, he may file a petition with said Board in which the original decision was rendered, praying that such decision be set aside and the case tried upon its merits. If the Board finds the petition to be meritorious, it may grant the same subject to the prior approval by the Commission.

SEC. 2. When a decision has become final and executory, or any other proceeding is taken, against a party before the Commission through fraud, accident, mistake, or excusable negligence, he may file a petition before the Commission and in the same cause praying that the decision, order or proceeding be set aside.

SEC. 3. A petition provided for in either of the preceding sections of this article must be verified, filed within sixty (60) days after the petitioner learns of the decision, order, or other proceeding to be set aside, and not more than six (6) months after such decision or order had become final and executory or such proceeding was taken; and must be accompanied with affidavits showing the fraud, accident, mistake, or excusable negligence relied upon, and the facts constituting the petitioner's good and substantial cause of action or defense, as the case may be.

ARTICLE VII

Investigation Against Board Members

Section 1. The Commission may at its own instance or upon complaint of other person under oath initiate and conduct administrative investigation against any Member of the various Boards for neglect of duty, incompetence, unprofessional or dishonorable conduct, or for such other cause or causes as may be provided for by law. The investigation shall be completed within thirty days and the Commission shall forthwith submit its

findings and recommendations to the President of the Philippines.

Sec. 2. The respondent Member of the Board shall be informed of the charges against him, shall be entitled to be represented by counsel or be heard in person, to have a speedy and public trial, to confront and to cross-examine witnesses against him and to all other rights guaranteed by the Constitution.

ARTICLE VIII

Ocular Inspection of Plants, Establishments, Etc.

Section 1. There shall be a periodic ocular inspection or visit of industrial, mechanical, electrical or chemical plants or works, hospitals, clinics and other engineering works where professionals are employed or are working for the purpose of determining compliance with the provisions of laws relative to the practice of the profession or occupation or as an aid in formulating policies relative thereto in accordance with the established policies promulgated by the Commission.

SEC. 2. The respondent Member of the Board Boards may be delegated to any professional regulation officer of the Commission, who shall, within five days after the inspection submit his reports and recommendations.

Sec. 3. The different Boards shall gather information relative to the nature, terms, and conditions of employment or contract of professionals, and whenever necessary and applicable, the type of work, project, plant and the like of a firm, company, corporation, etc.; its machinery and their horsepower ratings, chief engineers, operating engineers and mechanics, number of work shifts and their duration, particular unit operations, finished products and average daily output or production, unit process and engineering operations; number, size, capacity and performance of equipment and apparatus in use, nature or purpose of the laboratory or factory, voltage, and other pertinent data.

Sec. 4. Any person, firm, company, corporation, hospital or clinic who shall impair or in any manner defeat the visitorial power of the various Boards shall be subject to public censure by the Commission.

ARTICLE IX

Accreditation of Professional Organizations

Section 1. In order to be accredited, a professional organization must have the following qualifications:

1. It must have been established in good faith;
2. It must be established for professional ends and not for profit or business enterprise;

3. Its members must be substantial in number;
4. Its composition must be homogenous, that is, it must be composed of licentiates of one particular profession only; and
5. It must be national in scope, that is, its members must come from all parts of the Philippines and not from a particular province or city only.

Sec. 2. The application for accreditation shall be filed by the President of the organization, accompanied by his affidavit in positive terms that the organization which he represents was established in accordance with the preceding section, and a list of members with the corresponding registration certificate numbers and situs of practice of individual members.

Sec. 3. A certificate of accreditation bearing the name of the professional organization signed by the Chairman and Members of the Commission and with its seal affixed shall be issued to the professional organization whose application has been approved upon payment of a fee of five hundred (P500.00) pesos.

ARTICLE X

Miscellaneous Provisions

Section 1. The compensation provided for by law for Members of the various Boards shall be equitably divided and paid as follows: fifteen per cent after giving the examinations, which covers the preparation of questions and administration of the examination; seventy-five per cent after completion of the correction of the examination papers allotted to the member; and, ten per cent after signing the registration certificate of all successful examinees.

Sec. 2. Unless the Commission otherwise directs, each regulatory Board shall hold at least one regular monthly meeting on a date to be arranged with the Secretary of the Boards to perform its functions which cover not only the preparation of questions, administration of examinations, deliberation on examination results, and the signing of registration certificates, but include as well the regulation of the practice of their respective professions. But the Chairman of each Board shall see to it that he or one Board Member reports once a week on a fixed date to act as officer-in-charge and coordinator for such Board. The attendance of the Members of the Board shall be recorded in the offices of the Executive Director and the Secretary of the Boards.

Sec. 3. Rules and Regulations, resolutions, and other actions involving policy of any of the various Boards except orders or decisions in administrative cases shall be subject to prior approval by the Commission for their effectivity.

Sec. 4. No signature, vote, or action of any Chairman or Member of the various regulatory

Boards on any official matter may be withdrawn or changed after the lapse of five days from the time he affixes his signature or otherwise makes known his stand, or even before the lapse of said period if the subject matter involved has been approved or confirmed by the Commission.

Sec. 5. The Commission may, from time to time, prescribe or revise, in conjunction with the Board concerned and the Secretary of Education and Culture or his authorized representative, collegiate courses the completion of or graduation from which shall be a prerequisite for admission into the practice of the profession concerned. For this purpose, there shall be created a Curriculum Review Unit the functions of which shall be:

- a. To schedule the review of individual collegiate courses during the year.
- b. To invite representatives of the Department of Education and Culture, members of the regulatory Board, and other educators to serve as consultants in its review of collegiate courses.
- c. To submit its findings and recommendations to the Commissioner who shall prescribe the revisions in conjunction with the Secretary of Education and Culture.

Sec. 6. No seminar, workshop, lecture, and the like designed to advance knowledge or proficiency in any of the regulated professions or their specialties, except those conducted or sponsored by schools, colleges, and universities recognized by the Government, shall be conducted without the prior approval of the Commission upon recommendation of the particular Board, and, when practicable, the favorable endorsement of the accredited professional organization concerned. Violation hereof shall be cause for administrative action against those responsible therefor.

Sec. 7. Due recognition shall be accorded outstanding achievements. For this purpose, certificates of merit may be awarded to practicing professionals who have shown exceptional achievement and greatly contributed to the enhancement of the profession to which he belongs upon recommendation of the Board.

Sec. 8. A complete record of foreign nationals who are authorized to practice their professions for a limited period, containing such information as place and date of birth, nationality, profession, status of stay, situs of practice, nature of work, name of employer, if employed, name of body or organization, if granted special permit and

the like shall be maintained. Their activities shall, from time to time, be looked into in an effort to see that the terms and conditions for their employment are strictly observed and adhered to.

Sec. 9. Officers, attorneys of the Commission, and Members of the various Boards may administer such oaths as may be necessary in the transaction of official business and take testimony in connection with any authorized investigation; Provided, That all employees not herein-above mentioned who are authorized by the Commission to administer oaths shall have such authorization in writing.

Sec. 10. Efforts shall be exerted to send at least one official or employee of the Commission on scholarship grants to enable him to acquire progressive ideas from more advanced countries especially along public administration as well as matters relating to the various professions.

Sec. 11. Designation of supervisors and room examiners shall be limited to the list of government or private individuals who have been trained for that purpose by the Commission.

Sec. 12. Examination papers may be disposed of, with or without cost, after one year from the date of release of examination results. Applications and other supporting papers shall be preserved for a period of not less than five years.

ARTICLE XI

Repealing Clause

Section 1. All rules, regulations, memoranda, circulars, or parts thereof in conflict with the provisions of these rules and regulations are hereby repealed or amended accordingly.

ARTICLE XII

Effectivity

Section 1. These Rules and Regulations shall take effect after fifteen days following the completion of the publication in the *Official Gazette*.

Promulgated by the Professional Regulation Commission, this 9th day of December, 1974, in the City of Manila, Philippines.

(Sgd.) ERIC C. NUBLA
Acting Commissioner

(Sgd.) JOSE A. R. MELO
Associate Commissioner

(Sgd.) EDUARDO R. GULLAS
Associate Commissioner

7A 6/4/75

December 4, 1974

Mr. N. A. Halfter
Mr. A. M. Razovsky
Mr. B. C. Tesoro

Gentlemen:

We are pleased to advise that all concerned approved the establishment of THE REPUBLIC OF THE PHILIPPINES SECTION on December 4, 1974. The territory of the new Section will encompass:

All of the Islands of the Republic of the Philippines

As soon as an election of officers has been held, we will appreciate receiving their names for our records and for printing in the forthcoming IEEE Organization Roster to be issued in February 1975. Please let us know if we can assist you in any way in planning your Section activities.

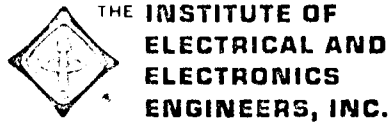
The IEEE Bylaws provide that each new Section, within six months of establishment, shall prepare and submit Section Bylaws to the Regional Director for his approval, with a copy simultaneously filed in IEEE Headquarters. Enclosed is a model of the Bylaws which may be helpful in the preparation of your Bylaws. We refer you to Section 402 of the IEEE Bylaws (also enclosed) which outlines the items to be included in your Bylaws.

Our Best Wishes for the successful operation of new Section.

Sincerely,

Emily Sirjane, Manager
Member & Field Services

ES:mi
cc: Faqir C. Kohli



345 EAST 47TH STREET, NEW YORK, N.Y. 10017 AREA CODE 212 752-6800

MEMORANDUM

To Betty Stillman
C. F. Stewart
Date December 4, 1974

From Emily Sirjane

Subject: Information Items for the Executive Committee and the RAB

The following has been approved by all concerned:

The Bylaws of the Switzerland Section, as adopted by the Section Executive Committee on June 1, 1974.

THE REPUBLIC OF THE PHILIPPINES SECTION was established on December 4, 1974. The territory of the Section will encompass:

All of the Islands of The Republic of the Philippines.

ES:mi

cc: Janet Kotel

Petition

*Permanent
File*

November 19, 1974

To: Regional Activities Board

From: Emily Sirjane, Manager
Member & Field Services

Subject: Petition - Establishment of The Republic of the
Philippines IEEE Section

A petition has been received requesting approval to establish The Republic of the Philippines IEEE Section to encompass all of the Islands of the Republic of the Philippines. The petition contains the signatures of 25 active members, above Student grade, with mailing addresses within the territory of the proposed Section.

The records show that there are currently 31 IEEE members above Student grade (no Student members) in the territorial limits of the proposed Section.

Mr. F. C. Kohli, Director of Region 10, recommends to the Regional Activities Board that the petition be approved. He feels sure that, once formed, the Section will attract new members.

Kindly indicate below whether or not you approve the formation of this new Section. In the absence of any response from you within fifteen days, or by December 4, 1974, your approval will be assumed.

-
- [] I approve the establishment of The Republic of the
Philippines IEEE Section.
- [] I do not approve establishment of this Section because

Date

Signature

November 19, 1974

To: N. A. Halfter
A. M. Razovsky
B. C. Tesoro

From: Emily Sirjane, Manager
Member & Field Services

Subject: Petition - Establishment of The Republic of the
Philippines IEEE Section

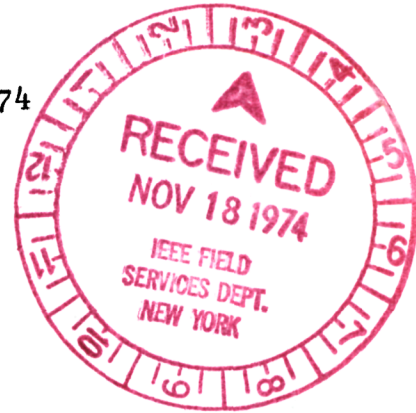
We received on November 18, 1974 your letter of November 2 with the petition, requesting approval to establish The Republic of the Philippines IEEE Section.

The petition has been checked and found to contain the signatures of 25 active IEEE members, above Student grade, with mailing addresses within the territorial limits of the proposed new Section.

We are pleased to advise you that the petition is being submitted for approval by those concerned and will advise you just as soon as action has been taken in this regard.

2nd November 1974

MEMBER SERVICES DEPARTMENT
The Institute of Electrical and
Electric Engineers, Inc.
345 East 47th Street
New York, N. Y. 10017
U. S. A.



Dear Sirs:

As you are probably aware, correspondence has been exchanged on the subject of the formation of a Philippine Section of the I.E.E.E. here in Manila, and we, the organizing committee, are submitting herewith a duly completed and signed petition bearing the most signatures that we are able to arrange at this time. It appears that the number of signatures is in excess of the reduced figure which we were allowed as a special case.

The territorial limit of the Section will, of course, be all of the many islands of the Republic of the Philippines.

It is intended to call the section THE REPUBLIC OF THE PHILIPPINES I.E.E.E. SECTION.

A copy of the petition will be sent to Mr. F.C. Kohli, Region X Director in Bombay, India, who is already aware of the preliminary steps taken by us.

We hereby indicate that the members of the new Section will abide by the IEEE Constitution, the By-laws and the published interpretations of policy.

It is understood that the formation of this Section is very timely as was proved by the joint seminar which was helped by the Hong Kong Section of I.E.E.E. so will be the next one to be held late November. We are already in close contact with The Institute of Electronics and Communications Engineers of the Philippines and The Philippine Society of Electrical Engineers with whom we intend to cooperate fully for the advancement of Electrical and Electronic Engineers and assist the education and training of young students in the Philippines.


It is our intention upon the receipt of your approval of the formation of the Philippine Section to call a general


p.t.o.

Member Services Department
The Institute of Electrical &
Electronic Engineers, Inc. -

meeting of all the members, old and new and elect officers
and draft the Articles of Incorporation and By-Laws as re-
quired by Philippine Law, which will be forwarded to you
for approval.

Yours faithfully,
THE ORGANIZING COMMITTEE


N. A. HALPETER
Sen. Mem. 3021888


A. M. RAZOVSKY
Sen. Mem. 3087434


B. C. VTESORO
Mem. M6830749

c.c.: Mr. F. C. Kohli-Region X Director

NAH/alf

Date: 15th Oct. 1974

We, the undersigned, active members of The Institute of Electrical and Electronics Engineers, Inc., hereby petition for approval to form an IEEE Section, to be known as the THE REPUBLIC OF THE PHILIPPINES SECTION IEEE SECTION.

The proposed territorial limits of this Section are defined as follows:

All of the Islands of the Republic of the Philippines

If approved, we agree to abide by the IEEE Constitution, Bylaws and published interpretations of policy.

10th
SMB

Signature of Petitioner	Membership Grade and Number	Printed Name
1) <i>N. A. Halfter</i>	SEN. MEM 3021888	N. A. HALFTER
2) <i>Alan M Razovsky</i>	SM 3087434	ALAN M RAZOVSKY
3) <i>Bienvenido C. Tesoro</i>	M-6830718	BIENVENIDO C. TESORO
4) <i>L. R. Stiegelmar</i>	ASSOCIATE MEMBER 0748772	L. R. STIEGELMAR
5) <i>John A. Victor</i>	Associate Member 6647770	JOHN A. VICTOR
6) <i>Donald R. Stackhouse</i>	Senior Member 5581772	Donald R. Stackhouse
7) <i>J. D. Picornell</i>	M-0472753	J. D. PICORNELL 88-20-11
8) <i>E. H. Qzaeta</i>	ASSOCIATE A 503111	E. H. QZAETA
9) <i>C. Concepcion Jr.</i>	MEMBER M1557487	C. Concepcion Jr.
10) PLEASE SEE # 28	3134947	G. DABA
11) PLEASE SEE # 23	A 562095	F. GONZALEZ
12) (A BROAD)	5481072	J. L. SANTIAGO
13) <i>R. E. Potter</i>	Senior Member 3536701	R. E. POTTER 3150791
14) <i>Manuel Gotuaco</i>	Member #3421427	Manuel Gotuaco
15) <i>Luis S. Tomacruz</i>	APPLICATION FILED	LUIS S. TOMACRUZ 6851935
16) <i>R. Mandriak</i>	M-6023139	R. MANDRIAK
17) <i>Jose C. Hernandez</i>	Application filed	Jose C. Hernandez No Record
18) <i>Rogelio M. Avenido</i>	M6826523	Rogelio M. Avenido
19) <i>Teodoro R. Floro</i>	5760590M	Teodoro R. Floro
20) <i>T. F. Roger</i>	5150016 SM	T. F. ROGER
21) <i>C. M. Cheng</i>	3592532M	C. M. CHENG
22) <i>R. N. Ferrer</i>	M 6732366	R. N. Ferrer
23) <i>Francisco C. Gonzalez</i>	A 5623095	Francisco C. Gonzalez

(over)

Signature of Petitioner

Membership Grade
and Number

Printed Name

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	<u>Signature of Petitioner</u>	<u>Membership Grade and Number</u>	<u>Printed Name</u>
24)	<i>Thomas Richardson</i>	M3344264	THOMAS RICHARDSON
25)	<i>Lamberto J. Guzman</i>	application submitted	Lamberto J. Guzman 6851927
26)	<i>Jack N. Evans</i>	M3149168	Jack N. Evans
27)	<i>Arturo L. Lopez</i>	application submitted	ARTURO L. LOPEZ No Record

	<u>Signature of Petitioner</u>	<u>Membership Grade and Number</u>	<u>Printed Name</u>
28)	<i>G. A. Daza</i>	Kip #6425ML	G. A. DAZA
29)	<i>Manuel R. Gotasso</i>	313494	Manuel R. Gotasso
30)	<i>Edgar G. Arnn</i>	3832813	Edgar G. Arnn
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