



Republic of the Philippines
Professional Regulation Commission
Manila

RESOLUTION NO. 1949
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2025 REVISED RULES IN ADMINISTRATIVE INVESTIGATIONS

WHEREAS, Section 7 (p) of Republic Act No. 8981, or the "PRC Modernization Act of 2000", (hereinafter, R.A. 8981) granted the Professional Regulation Commission the power to adopt and promulgate such rules and regulations as may be necessary to effectively implement policies with respect to the regulation and practice of the professions;

WHEREAS, Section 7(s) of R.A. 8981 granted the Commission the power 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;

WHEREAS, Section 7(d) of R.A. 8981 granted the Commission the power to adopt measures to preserve the integrity and inviolability of 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;

WHEREAS, pursuant to the Commission's rule-making powers under R.A. 8981, the Commission promulgated the current rules governing administrative investigations, entitled the "*2017 Revised Rules and Regulations in Administrative Investigations*";

WHEREAS, Executive Order No. 26 (S. 1992) prescribes procedures and sanctions to ensure the speedy disposition of cases;

WHEREAS, it is imperative to update the current rules on administrative investigations in order to achieve more expeditious disposition of cases, as well as to keep abreast of technological, social, and environmental developments.

NOW, THEREFORE, the Commission RESOLVES, as it is hereby RESOLVED, to adopt, promulgate, and implement the "2025 Revised Rules in Administrative Investigations", thus:

**RULE I
GENERAL PROVISIONS**

Section 1. Title. — These Rules shall be known and cited as the "**2025 Revised Rules in Administrative Investigations**".

Section 2. Scope and Coverage. — These Rules shall cover all cases or complaints filed before the Commission and/or the Boards, and shall prescribe the proceedings to be

followed in the exercise of their quasi-judicial functions to investigate, hear and decide cases, and resolve appeals involving any of the following:

1. **Chairpersons, Vice-Chairpersons, and Members of the 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 for commission of prohibited acts as prescribed under their respective Professional Regulatory Board laws, to determine their fitness to continue the performance of their official functions as well as their sworn duties as professionals subject to the following limitations:
 - 1.1. Provided, that the Commission *en banc* may direct the conduct of a fact-finding investigation for the purpose, report its findings to the President of the Philippines and recommend their removal from office if the act/omission is determined to have been committed in relation to or conduct in their office as Members of the Board. Such recommendation shall not affect the jurisdiction of the Office of the President to investigate and discipline the concerned officers;
 - 1.2. Provided further, that the Commission *en banc* may initiate disciplinary proceedings for the suspension or revocation of their professional license, and the complaint instituted therefor shall be docketed as a *motu proprio* case which shall be heard and resolved in accordance with these Rules.

Provided, that the investigation of such cases or complaints shall be governed by the special rules created for the purpose.
2. **Officers and employees of the Commission**, for violation of R.A. 8981 or any Civil Service law, rule, or regulation, provided that the investigation of such cases or complaints shall be governed by the applicable PRC or CSC Rules, as may be applied conformably with these Rules;
3. **A person who is a registered professional, a holder of a special temporary permit or temporary training permit**, for violation of R.A. 8981, the Professional Regulatory Laws, the Code of Ethics promulgated by the respective Boards, and other pertinent laws, rules, and regulations involving practice of the regulated professions;
4. **Any person**, whether private individual or professional, local or foreign, **who practices the regulated profession or occupation without being authorized by law; or without being registered and licensed by the concerned regulatory Board; or without being issued the corresponding Certificate of Registration/Professional License or Special Temporary Permit;**
5. **Examinees, applicants for examination, applicants for registration without examination, examination personnel, or persons/entities not necessarily connected with the Commission**, who violate or become involved in the violation of the rules governing conduct of licensure examinations, or any provision of R.A. 8981, the Professional Regulatory Laws, and other pertinent laws, rules, and administrative issuances promulgated by the Commission or the concerned Board; and
6. **Petitions for reinstatement and reissuance of revoked certificates of registration and/or professional identification cards, filed by former holders thereof** for valid reasons to be able to practice their profession again.

Section 3. Construction. — These Rules shall be liberally construed to promote the objective of a just, speedy, and inexpensive adjudication of cases.

- 3.1. The Commission and the Boards shall not be bound by the strict application of the technical rules of procedure and evidence applicable in judicial proceedings but shall proceed to hear and decide cases in the most expeditious manner to determine the facts of each case;
- 3.2. The Commission may suspend the application of these Rules in order to best serve the public interest; and
- 3.3. In the interest of justice and general welfare, the Commission may 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 Rules of Court, as amended, shall be suppletorily applicable in administrative investigations, whenever practicable and convenient.

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

Section 7. 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 these Rules shall neither suspend nor bar the proceedings of the administrative case.

Section 8. Consent to Electronic Service. — The complaint and verified answer/counter-affidavit may include the express consent to the electronic service of motions and pleadings. A party may, at any time, while the action is pending, give his/her written consent to electronic service.

Section 9. Online Procedure. — The parties may submit the case for electronic proceedings. The guidelines on videoconferencing promulgated by the Commission shall apply for this purpose.

At any stage, the party/ies seeking to avail of the electronic proceedings shall indicate expressly through proper motion their intention to avail themselves of the same.

Section 10. Contempt. — A case for contempt may be filed against a person who commits misbehavior, disrespect, or abusive conduct towards any of the following: (1) the Commission or the Board/s or any member thereof, (2) a Hearing Officer or a conciliator-mediator.

The contempt case may be filed with the Regional Trial Court having territorial jurisdiction over the Central Office of the Commission or the Regional Office where the case is pending and shall be governed by the applicable provisions of the Rules of Court.

Any member of the Board, the Hearing Officer, or the conciliator-mediator 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/herself in a disorderly manner. Such person, party, witness, or legal counsel may be cited for contempt if he/she

still creates disturbance outside the hearing room that causes disruption of the proceedings.

RULE II JURISDICTION AND VENUE

Section 1. Jurisdiction. — The Commission or the Board shall be vested with jurisdiction over the person of the respondent:

- 1.1. Through service of summons with a copy of the complaint or formal charge;
or
- 1.2. Through voluntary appearance. The following are considered as voluntary appearance: (1) filing of a Verified Answer/Counter-Affidavit, or (2) filing of a pleading seeking affirmative relief.

Section 2. Venue.

- 2.1. Cases brought under Sections 2(1) & 2(2) of Rule I shall be commenced and heard at the Central Office of the Commission.
- 2.2. All other cases enumerated under Section 2 shall be initiated by filing the appropriate administrative complaint before the Legal Service in the Central Office or the Legal Division/Section in the Regional Offices. The Commission or the Board has the authority to order the transfer of any case to the appropriate venue, based on meritorious grounds.
 - 2.2.1. **For Cases filed/initiated in the Central Office:** Cases may be transferred to the Regional Offices, *motu proprio* or upon motion of the parties, taking into consideration the following circumstances:
 - (a) the **residence and/or principal office** of the parties;
 - (b) availability of lawyers in the venue where the case will be transferred;
 - (c) the location, distance and **accessibility** of the receiving venue;
 - (d) the **inhibition** of the handling lawyer/s or the Director exercising supervision over the handling lawyer/s; or
 - (e) absorptive capacity and case load of legal personnel in the Central Office or the Regional Offices;
 - 2.2.2. **For Cases filed in the Regional Offices:** Upon **motion** by either of the parties based on **compelling reasons**, such as in **extraordinary cases which may involve matters of public interest, security concerns**, or other analogous grounds, the Board may order transfer of venue to the **Central Office or another Regional Office**, subject to approval by the Commission. The circumstances enumerated in the immediately preceding paragraph, shall also be considered and applied by analogy in weighing the merits of the motion.

RULE III COMPLAINT

Section 1. Who May File. — A complaint may be filed by parties in interest or a duly authorized representative.

Section 2. Mode of Filing. — A complaint may be filed personally, through registered mail, or by private courier; Provided, an electronic copy of the complaint must be transmitted in the manner prescribed under Rule XII of these Rules.

Section 3. 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/s against him/her. It shall contain the following:

- 3.1. Caption where the name of the agency, the title of the action, and the docket number, if assigned, is indicated.

The title of the action indicates the names of the parties. They shall all be named in the original complaint; but in subsequent pleadings, it shall be sufficient if the name of the first party on each side be stated with an appropriate indication when there are other parties. Their respective participation in the case shall be indicated.

- 3.2. Full name and complete current address/es of the complainant and the respondent;
- 3.3. Respondent's profession together with his/her professional license number or special temporary permit number and date of issuance;
- 3.4. If the respondent is an examinee, the licensure examination applied for or taken and the date/s thereof. In the case of an applicant for registration without examination, the profession applied for, with proof that said person is an examinee or an applicant for registration without an examination;
- 3.5. A brief narration of the material facts, including:
 - 3.5.1. Designation of the acts or omissions committed as stated in the Professional Regulatory Laws, the Code of Ethics, and/or standards of professional practice, with reference to the specific section or subsection of the said law or issuances;
 - 3.5.2. Allegations of the party's claims and defenses, relief prayed for, and the date of the pleading;
- 3.6. Statement of complainant's willingness to: (1) attend/participate in conciliation-mediation conference and hearings, if any, via videoconference, and indicating his/her official email address and contact details; and (2) receive electronic notices.
- 3.7. Verification;
- 3.8. Certificate of Non-Forum Shopping; and
- 3.9. Original affidavits of witnesses, original or certified true copies of documentary evidence, or other evidence in support of the allegations contained in the complaint filed.

Section 4. Dismissal of Incomplete Complaints.

- 4.1. The absence or failure to properly comply with any of the aforementioned formal requirements shall cause the dismissal of the complaint, without prejudice to its re-filing upon compliance with the listed requirements.

- 4.2. Failure to comply with the guidelines on electronic transmittal of pleadings as stated under Section 2 above may cause the dismissal of the complaint without prejudice.

Section 5. Number of Copies. — The complaint shall be filed in three (3) legible copies plus such numbers as there are respondents.

Section 6. Withdrawal of Complaints. — 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 IV CONSOLIDATION OF CASES

Section 1. Consolidation. — Except when consolidation would result in delay or injustice, the Board may upon motion or in its discretion, consolidate two (2) or more complaints which involve any of the following:

- 1.2. Common questions of law or fact;
- 1.3. Same parties; or
- 1.4. Same incident or series of incidents.

The cases shall be consolidated with the case which bears the lowest docket number. In case of consolidation, the actions shall be proceeded with and decided jointly.

Section 2. Other Grounds for Consolidation. — Consolidation shall be proper in cases founded on the same facts or forming part of a series of incidents where any of the following instances are present:

- 2.1. There are separate cases filed against the same respondent who practices two or more professions, and the disciplinary actions involve his/her several professional licenses;
- 2.2. A sole respondent in a case practices one or several professions and allegations in the complaint involve violations of different Professional Regulatory Laws, Code of Ethics, and technical standards of professional practice; or
- 2.3. There are two or more respondents belonging to different but related or allied professions who allegedly committed acts in violation of their respective Professional Regulatory Laws, Code of Ethics, and technical standards of professional practice arising out of the same incident or series of incidents.

In case of the foregoing, the consolidated cases shall be resolved jointly by the Boards concerned.

RULE V PAYMENT OF FEES

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

Section 2. *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 3. *Non-Refund of Legal Fees.* — All legal fees paid to the Commission shall be non-refundable.

Section 4. *Docket and Legal Research Fees.* — A complaint shall not be considered filed unless the correct docket and legal research fees are paid.

In cases of complaints filed through registered mail or private courier, payment of docket and legal research fees shall be made through issuance of a Postal Money Order (PMO) payable to the Professional Regulation Commission, to be attached to the complaint.

If practicable, payment may be remitted through other alternative payment facilities or channels as may be authorized by the Commission.

Section 5. *Exemption of Indigent Litigants from Payment of Fees.* — An indigent litigant shall be exempt from the payment of docket and other lawful fees, upon satisfaction of the indigency test, as prescribed by Section 6 below.

Section 6. *Determination and Proof of Indigency.* — To ensure that only those qualified shall be extended the exemption, and to aid in determining the nature of the deductions, the applicant shall be required to execute an Affidavit of Indigency and submit any of the following supporting documents:

- 6.1. Latest Income Tax Return or pay slip, or other proofs of net income;
- 6.2. Certificate of Indigency from the Department of Social Welfare and Development (DSWD), or the City/Municipal Social Welfare and Development Office having jurisdiction over the residence of the applicant;
or
- 6.3. Certificate of Indigency and/or No Income from the Office of the Punong Barangay/Barangay Chairperson having jurisdiction over the residence of the applicant.

The Legal Service or the concerned Regional Office shall exercise diligence and prudence in ensuring that an applicant complies with the abovementioned requirements.

Section 7. *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.

RULE VI PRELIMINARY DETERMINATION

Section 1. *Grounds for the Outright Dismissal of the Complaint.* — The Board shall dismiss the complaint when any of the following grounds exist:

- 1.1. Lack of jurisdiction over the subject matter of the complaint;
- 1.2. Failure to state a cause of action;
- 1.3. Complaint or formal charge is not sufficient in form and substance; or
- 1.4. Lack of legal capacity of the complainant to sue the respondent based on the allegations of the complaint.

Except for lack of jurisdiction over the subject matter of the complaint, dismissal shall be without prejudice to the re-filing of the complaint.

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

- 2.1. Issue proper summons upon determination of the jurisdiction of the Commission;
- 2.2. Refer the matter to the Special Prosecution Division or designated Special Prosecutor of the concerned Regional Office, for indorsement to the appropriate government office or agency which has jurisdiction over the case; or
- 2.3. Recommend the dismissal of the complaint based on the grounds mentioned in the preceding section.

The Board shall approve or disapprove the recommendation of the Hearing Officer within fifteen (15) days from indorsement thereof by the Legal Service or Legal Division/Section.

RULE VII INVESTIGATION OF *MOTU PROPRIO* CASES

Section 1. Preliminary Investigation. — An investigation may be commenced by the Commission or the Board, through the Special Prosecution Division of the Legal Service of the Central Office or the Legal Division/Section of the Regional Office, against individual persons mentioned in Section 2, Rule I for possible violations of R.A. 8981, Professional Regulatory Laws, the Code of Ethics, and other related laws, rules, and regulations.

Section 2. Motu Proprio Investigation against Members of Professional Regulatory Boards. — The Commission shall conduct *motu proprio* investigation against any Chairperson or Member of the Professional Regulatory Boards for:

- 2.1. Neglect of duty, incompetence, unprofessional, unethical, immoral, or dishonorable conduct; and/or
- 2.2. Commission of irregularities in the licensure examinations which taint or impugn the integrity and authenticity of the results of the said examinations.

The Commission shall prescribe the procedures and guidelines as may be necessary for this purpose.

Section 3. Receipt and Indorsement of Unverified Complaint or Report. — Upon receipt of an unverified complaint or report, the Commission or the concerned Board may

direct the Special Prosecution Division or the concerned Legal Division/Section to conduct preliminary investigation and provide recommendation.

The Special Prosecution Division or the Legal Division/Section may request the complainant or sender of the report to submit additional documents within a reasonable period of time to substantiate the complaint or report and/or supply further details to initiate the investigation; otherwise, the investigation may be terminated.

Section 4. Evaluation of Complaint or Report. — The Special Prosecution Division or the Legal Division/Section shall determine whether:

- 4.1. The Commission or the Board has jurisdiction over the subject matter of a complaint or report; and
- 4.2. A cause of action exists.

Section 5. How conducted. — The preliminary investigation shall be conducted in the manner prescribed hereunder:

- 5.1. **Submission of comment/explanation** - If the person complained of is a registered and licensed professional, the concerned Board shall issue a Show Cause Order requiring the person complained of to submit a comment/explanation and other documents in support thereof, if any, to the report or allegations against him/her, within ten (10) calendar days from receipt of the Show Cause Order. He/she will be informed that he/she may opt to be assisted by a counsel of his/her choice during the preliminary investigation.
- 5.2. **Ex parte evaluation of the available records;** and
- 5.3. **If necessary, a clarificatory conference will be conducted,** during which the parties shall be afforded the opportunity to discuss the merits of the case.

If the investigation is initiated by the Commission against an official or employee of the Commission, the same shall be governed by existing PRC or CSC rules.

For investigations involving examinees mentioned in paragraph 5, Section 2 of Rule I for violations of the general and special instructions to examinees, the lawyers from the Regional Offices shall immediately conduct an initial investigation and submit recommendations to the concerned Board within five (5) calendar days from the conduct of the licensure examination. The Special Prosecution Division or the Legal Division/Section may recommend any interim measures against examinees subject of complaint or report such as but not limited to: (1) withholding of release of examination results; (2) cancellation of examination papers; or (3) other similar measures, without prejudice to the conduct of further investigation.

Section 6. The Investigation Report.

- 6.1. **Contents.** — Upon termination of the preliminary investigation, the Special Prosecution Division or the Legal Division/Section of the Regional Office shall submit an Investigation Report which shall contain the following:
 - 6.1.1. A narration of the material facts established during the investigation;
 - 6.1.2. The findings and the evidence in support thereof;

6.1.3. The recommendation/s; and

6.1.4. The complete records of the case.

RULE VIII SPECIAL PROSECUTION IN *MOTU PROPRIO* CASES

Section 1. Prosecution of Motu Proprio Cases. — The Commission or the Board may commence the prosecution of *motu proprio* case by the issuance of a Formal Charge.

For this purpose, the Special Prosecution Division of the Central Office or the Legal Division/Unit of the Regional Office shall act as a Special Prosecutor. In the absence of a lawyer in the concerned Regional Office, the Special Prosecution Division shall be designated as Special Prosecutor.

Section 2. Formal Charge. — Upon finding of a *prima facie* case, the concerned Board or its duly authorized representative shall issue a Formal Charge against a registered professional or examinee. The Formal Charge shall contain the following:

- 2.1. A specification of the charge/s;
- 2.2. A brief statement of the material or relevant facts, accompanied by the original or certified true copies of the documentary evidence and sworn statement/s of witness/es, if any;
- 2.3. The specific provision/s of the Professional Regulatory Laws (PRLs), Code of Ethics, other pertinent laws, rules, and regulations, and other issuances of the Commission and the Boards violated by the person/s complained of;
- 2.4. A directive to answer the charge in writing and under oath within fifteen (15) calendar days from receipt thereof; and
- 2.5. A notice that the respondent may opt to be assisted by a counsel of his/her choice.

The issuance of formal charges against officers or employees shall be governed by applicable PRC or CSC rules.

Section 3. Assistance from Other Agencies. — Whenever necessary, the Legal Service of the Central Office or the Legal Division/Section of the Regional Office may secure the assistance of other government agencies in the investigation and prosecution of *motu proprio* cases.

RULE IX 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 ten (10) calendar days from receipt thereof.

Section 2. Contents. — The summons shall be directed to the respondent, signed by the Chief of the Hearing and Investigation Division or the Regional Director, if applicable, and shall contain:

- 2.1. The name of the Board and the names of the parties to the action;
- 2.2. A directive that the respondent/s answer within the time fixed by these Rules; and
- 2.3. A notice that unless the respondent so answers, he/she may be declared in default in accordance with Section 4 of Rule X of these Rules.

A copy of the complaint shall be attached to the original and each copy of the summons.

Section 3. Service of Summons. — Summons shall be served to the respondent personally or by registered mail or through a private courier at the expense of the complainant, at the address indicated in the complaint. In *motu proprio* cases, summons shall be served to the respondent by registered mail at the permanent address as appearing in the records of the Commission.

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 or his/her office or regular place of business with some competent person in charge thereof.

Service by registered mail or through private courier shall be complete upon actual receipt by the respondent; provided, however, that if he/she fails or refuses to claim his/her mail from the post office or from the private courier, service shall take effect upon the expiration of five (5) calendar days from the date he/she first received the notice of the postmaster or the private courier.

Section 4. Failure to serve Summons. — When the summons is returned without being served, the complainant shall be notified thereof and shall be directed to provide within ten (10) calendar days another address of the respondent wherein an alias summons will be sent.

Failure to comply with such notice despite receipt thereof will result in the dismissal of the case without prejudice, unless the complainant files a motion for service of the summons by publication in the manner provided in the next section.

Section 5. Summons by Publication. — When the respondent's address is unknown, his/her 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 for *motu proprio* cases, 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, or the Special Prosecutor in *motu proprio* cases, 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) calendar 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.

Section 6. Proof of Service of Summons by Publication. — If the service has been made by publication, service may be proven by:

- 6.1. The affidavit of the publisher, editor, business or advertising manager, to which affidavit a copy of the publication shall be attached; and
- 6.2. An affidavit showing the deposit of a copy of the summons and order for publication in the post office.

RULE X ANSWER

Section 1. Verified Answer or Counter-Affidavit. — The answer or counter-affidavit must be verified. It shall be specific and shall contain material facts, including original or certified true copies of documentary evidence, sworn statements of witnesses, if any. It shall also include the email address/es of the respondent and his/her counsel, if any; and a statement indicating that the respondent is amenable to the conduct of clarificatory hearings, if necessary, via videoconferencing.

Section 2. Number of Copies. — The verified answer or counter-affidavit shall be filed by the respondent in three (3) legible copies, and a copy thereof furnished to the complainant and his/her counsel, if any.

Section 3. Extension of Time to file a Verified 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 ten (10) days from the expiration of the original ten-day period within which to file an answer. 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 or the Commission for failure of the respondent to file his/her verified answer or counter-affidavit within ten (10) calendar days from receipt of the summons. An Order of Default shall likewise be issued if the answer/counter-affidavit does not comply with the requirements provided in the preceding sections.

The complainant shall be directed to submit his/her position paper or memorandum decision. The case shall be deemed submitted for decision after the Board issues an Order admitting the same.

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

RULE XI PLEADINGS AND MOTIONS

Section 1. Papers filed before the Commission and the Board. — All pleadings and motions filed before the Commission and the Board shall be in three (3) legible copies and served upon the parties affected. 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:

- 2.1. Motion to dismiss the complaint except on the following grounds:

- 2.1.1. That the Commission or the Board lacks jurisdiction over the subject matter;
 - 2.1.2. That the Commission or the Board failed to acquire jurisdiction over the person of the respondent; and
 - 2.1.3. That the cause of action is barred by prior judgment.
- 2.2. Motion for a bill of particulars;
 - 2.3. Motion for extension of time to file verified answer or counter-affidavit in excess of ten (10) calendar days;
 - 2.4. Motion for extension of time to file position paper or memorandum decision;
 - 2.5. Second motion for extension of time to file verified answer or counter-affidavit;
 - 2.6. Second motion for reconsideration;
 - 2.7. Motion for reconsideration against any interlocutory order issued by the Commission or the Board; and
 - 2.8. Demurrer to evidence.

Section 3. *Effect of Filing of a Prohibited Pleading/Motion.* — A prohibited pleading shall be considered a mere scrap of paper and shall be stricken off the records of the case.

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

- 4.1. Full name;
- 4.2. Official Receipt Number and Date of Payment of Current IBP Membership Dues;
- 4.3. Professional Tax Receipt with date and place of issue;
- 4.4. Roll of Attorneys Number;
- 4.5. Mandatory Continuing Legal Education (MCLE) compliance or exemption with date of issue;
- 4.6. Complete address which should not be a P.O. box address where he/she can be served with notices and pleadings;
- 4.7. E-mail address; and
- 4.8. Cellular phone and landline numbers.

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

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

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

Section 5. Change of Address. — In case of change of address, the counsel or the party concerned, in the absence of counsel, shall promptly file a notice of such change, copy furnished all other parties.

Section 6. Change of Electronic Mail Address. — A party who changes his/her electronic mail address while the action is pending must file, within five (5) calendar days from such change, a notice of change of electronic mail address and serve the notice on all other parties.

Service through the electronic mail address of a party shall be presumed valid unless such party notifies the Commission or the Board of any change, as aforementioned.

Section 7. Withdrawal of Appearance. — Any withdrawal of appearance by counsel shall be in writing, with the conformity of the party he/she represents, and copy furnished to the counsel of the adverse party.

Section 8. Death of A Party. —

- 8.1. Whenever a party to a pending action dies, it shall be the duty of said party's counsel or any legal representative to inform the Board in writing within thirty (30) calendar days after such fact of death.
- 8.2. Except in *motu proprio* cases, the counsel or any legal representative is likewise duty bound to give the name and address of the legal representative or representatives, if the party who dies is the complainant. The action shall proceed unless a motion for the dismissal of the case has been filed before the Board.
- 8.3. In case the respondent to a pending case dies, the same shall result in the outright dismissal of the complaint against him/her.

RULE XII

FILING AND SERVICE OF PLEADINGS, JUDGMENTS, AND OTHER PAPERS

Section 1. Filing of Pleadings and Motions. — All pleadings and motions filed before the Commission and the Board shall be through the Legal Service of the Central Office, or the Legal Section or Division of the concerned Regional Office where the case is filed or is pending.

Section 2. Manner of Filing and Service of Pleadings and Motions. — The filing and service of pleadings and other submissions shall be made by:

- 2.1. Submitting personally the original thereof, plainly indicated as such, to the Legal Service or the Legal Section or Division where the case is pending and serving a copy thereof personally to the other party or the party's counsel;
- 2.2. Sending them by registered mail;
- 2.3. Sending them by private courier; or

- 2.4. Transmitting them by electronic mail as may be authorized under these Rules.

Section 3. *Electronic Submission of Pleadings and Motions.* — Electronic copies of all pleadings and other legal documents shall be transmitted to the official email address of the Legal Service or the Legal Section or Division where the case is pending, in accordance with the guidelines in the next section.

Section 4. *Manner of Transmittal of Electronic Copies of Pleadings and Motions.*

4.1. All pleadings and submissions shall be primarily filed personally, by registered mail, or by private courier. Electronic copies thereof must be submitted within twenty-four (24) hours from the filing of the hard copies, by transmitting them through electronic mail to the official email addresses that may hereafter be designated.

- 4.1.1. The pleading or submission shall be deemed to have been filed on the date and time of filing of the hard copy, not the date and time of the transmission of the electronic copy.

- 4.1.2. The electronic copy submitted should be the exact copy of the paper filed personally, by registered mail, by private courier. The following shall be considered as proof of filing:

- 4.1.2.1. For papers filed in person, the electronic copy shall contain the official receiving stamp of the Legal Service or the Regional Office concerned, clearly showing the date and time of filing of the hard/paper copy and must be duly signed by the receiving or records officer;

- 4.1.2.2. For papers sent by registered mail or by private courier, the electronic copy shall include the scanned copy of the following:

- 4.1.2.2.1. Proof of mailing (i.e., Affidavit of Service of the person who delivered the paper to the post office or the private courier, including proof of delivery to the post office and/or accredited courier) clearly showing the date and time of mailing or delivery to the post office/accredited courier; and

- 4.1.2.2.2. Proof of payment of fees (e.g. Postal Money Order, cash deposit, etc.), when applicable.

- 4.2. Primary filing of pleadings and other submissions through electronic means shall not be allowed unless expressly granted leave by the Board or the Commission of the following:

- 4.2.1. Initiatory pleadings and initial responsive pleadings;

- 4.2.2. Annexes or exhibits attached to pleadings or other submissions not amenable to digitization to PDF; and

- 4.2.3. Sealed and confidential documents or records.

- 4.2.4. The subsequent submission of the hard copies of the document shall be dispensed with where electronic filing is authorized by the Board or

the Commission. The pleading or submission shall be deemed to have been filed on the time and date of the electronic transmittal.

- 4.3. All electronic transmittals must be made with any of the email addresses of record of the counsels of record and/or filing party and to the official e-mail addresses of the Legal Service or Legal Division/Section or the Legal Appeals Unit, as the case may be. Otherwise, the entire transmittal shall be deemed as not filed. Such email addresses as may be designated shall be posted in the official website.
- 4.4. The receipt or acknowledgment of the filing of the electronic copy shall be properly accounted for and included in the case records.

Section 5. *Electronic Mail Subject and Title of Pleadings and Other Documents and File Format.*

- 5.1. The subject of the electronic mail must follow the prescribed format: case number, case title and the pleading, motion, or document title.
- 5.2. The title of each electronically-filed or served pleading or other document shall contain sufficient information to enable the Board or the Commission to ascertain from the title: (a) the party or parties filing or serving the paper, (b) nature of the paper, (c) the party or parties against whom relief, if any, is sought, and (d) the nature of the relief sought.
- 5.3. The electronic copies must be in Portable Document Format (PDF) and individually saved, as well as individually attached to the e-mail. The file name of the electronic copy must be the same as the document title.

Example:

Motion for Reconsideration should have a file name "Motion for Reconsideration.pdf"

Annex A should have a file name "Annex A.pdf"

Section 6. *Service of Notices, Decisions, Orders, and Resolutions.* —

- 6.1. The service of notices, decisions, orders, and resolutions may be made: (1) personally, (2) by registered mail; or (3) through a private courier at the expense of the requesting party.
- 6.2. The Board or the Commission may electronically serve orders and other documents to all the parties in the case which shall have the same effect and validity as provided herein. A paper copy of the order or other document electronically served shall be retained and attached to the record of the case.
- 6.3. 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 7. *Completeness of Service.* —

- 7.1. Personal service is complete upon actual delivery to the addressee.
- 7.2. Service by registered mail is complete upon actual receipt by the addressee, or after five (5) calendar days from the date he or she received the first notice of the postmaster, whichever date is earlier. Service by private courier is complete upon actual receipt by the addressee, or after at least two (2) attempts to deliver by the courier service, or upon the expiration of five (5) calendar days after the first attempt to deliver, whichever is earlier.
- 7.3. Electronic service is complete at the time of the electronic transmission of the document, or when available, at the time that the electronic notification of service of the document is sent. Electronic service is not effective or complete if the party serving the document learns that it did not reach the addressee or person to be served.

Section 8. Presumptive Service of Notices. — There shall be presumptive notice to a party if it appears on the records that:

- 8.1. The notice was mailed at least twenty (20) calendar days prior to the scheduled date of conciliation-mediation conference or clarificatory hearing and the addressee is in the same region as the Central Office or the Regional Office where the case is pending; or
- 8.2. The notice was mailed at least thirty (30) calendar days if the addressee is outside the region of the Central Office or the Regional Office.

RULE XIII CONCILIATION-MEDIATION

Section 1. Coverage. — After the respondent has filed his/her verified answer or counter-affidavit, cases under the jurisdiction of this Commission or the Boards may be subject to conciliation-mediation proceedings.

Compromise settlement may be allowed where the act is purely personal between the private complainant and the person complained of, such as but not limited to settlement of debts, simple misconduct, and other analogous circumstances/cases; provided that the case filed does not fall under any of the following:

- 1.1. Where one party is the government, or any subdivision or instrumentality thereof;
- 1.2. Where one party is a public officer or employee, and the dispute relates to the performance of his/her official functions;
- 1.3. Disputes where urgent legal action is necessary to prevent injustice from being committed or further continued, upon determination of the Board;
- 1.4. Where the original and exclusive jurisdiction over the subject matter or dispute has been conferred by law to another court, tribunal, agency, or quasi-judicial agency;
- 1.5. Cases where the Commission has initiated the filing of the administrative or criminal actions;

- 1.6. Cases which involve professional misconduct amounting to malpractice, negligence resulting in the death of the person/s, immoral conduct, employment of deceit or any form of fraud, those arising from final conviction by a court of competent jurisdiction of any criminal offense involving moral turpitude, and such other similar offenses;
- 1.7. Those which, by law, cannot be compromised; or
- 1.8. Where the offense is not purely personal and the Board finds it to be non-mediatable.

The compromise shall be considered only where no public interest or injury to the government is involved. It shall not be allowed when necessary to protect the standards of the profession.

During the conciliation-mediation proceedings, only the civil aspect of the complaint may be compromised, although the administrative aspect may be discussed to determine whether the complaint was filed due to misunderstanding or misapprehension of facts.

Section 2. Referral to the Conciliator-Mediator. — Upon determination that the case may be referred to conciliation-mediation, the Hearing Officer shall endorse the case for conciliation-mediation within seven (7) calendar days from the receipt of the answer.

Section 3. Conciliation-Mediation Conference and Proceedings. — During the conduct of the conciliation-mediation proceedings, the conciliator-mediator shall:

- 3.1. Explain to the parties the objectives, nature, and rules of the conciliation-mediation 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;
- 3.2. Clarify the issues and narrow down the disagreements;
- 3.3. Validate the positions of the parties and relief sought;
- 3.4. Encourage the parties to generate options and enter into stipulations; or
- 3.5. Encourage the parties to arrive at acceptable solutions and voluntary settlement.

Section 4. Period for Conciliation-Mediation Proceedings and Appearance of Parties. — The conciliation-mediation proceedings shall be terminated within fifteen (15) calendar days from the initial conciliation-mediation conference unless both parties agree to an extension, which shall in no case exceed a period of fifteen (15) calendar days.

Section 5. 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 conciliation-mediation conference upon the discretion of the conciliator-mediator. The role of the lawyer shall be limited to giving professional advice to his/her client and assisting him/her in understanding the implications of any proposed agreement. The lawyer shall assist in the conciliation-mediation for the purpose of obtaining a settlement of the dispute.

Section 6. Failure to Appear in the Conciliation-Mediation Proceedings. — The Board shall dismiss the case with prejudice for non-appearance of the complainant for two 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-mediation proceedings and proceed with the adjudication of the case.

Section 7. Termination of Conciliation-Mediation Proceedings. — Where no compromise or settlement is reached by the parties within the period set forth in Section 4 above, the conciliator-mediator shall immediately terminate the conciliation-mediation proceedings and forthwith return the case to the Hearing Officer.

Section 8. Agreement to Compromise. — If the parties agree on an amicable settlement, they shall reduce the agreement in writing, indicating the terms and conditions thereof. The parties shall be given fifteen (15) calendar days from the date of termination of the conciliation-mediation proceedings to prepare and submit their agreement to the conciliator-mediator.

In case the parties fail to submit their written agreement within the prescribed period, the conciliation-mediation proceedings shall be deemed terminated on the ground of failure of the parties to submit a formal agreement. Thereafter, the Board shall direct the parties to submit their respective position papers and proceed with the adjudication of the case under Rule XV of these Rules.

The conciliator-mediator shall make a report on the agreement to compromise within five (5) calendar days from receipt thereof or after the lapse of the fifteen (15) calendar day period to submit their compromise, whichever is earlier.

Section 9. Judgment upon Compromise. — The Board shall render judgment based on the agreement to compromise submitted by the parties under paragraph 1 of the immediately preceding section. Such judgment shall be final and binding upon the parties.

Section 10. Confidentiality of Conciliation-Mediation Proceedings. — The conciliation-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, nor divulged to any other third person. Both parties shall not introduce the following as evidence in any other proceeding:

- 10.1. Views expressed or suggestions made by the other party in respect of a possible settlement of the dispute;
- 10.2. Admissions made by either party in the course of the proceedings;
- 10.3. Proposals made by the conciliator-mediator; and
- 10.4. The fact that a party had indicated to the conciliator-mediator his/her willingness to accept a proposal for settlement made by the other party.

No transcript of the conciliation-mediation proceedings shall be taken. The personal notes of the conciliator-mediator on the conciliation-mediation proceedings shall not be furnished to the Hearing Officer. Any such transcript and notes shall be inadmissible as evidence in any other proceedings.

Section 11. Exceptions to the Privilege of Confidentiality. — There is no privilege against disclosure under Section 10 if the conciliation-mediation communication is:

- 11.1. In an agreement evidenced by a record authenticated by all parties to the agreement;
- 11.2. Available to the public;
- 11.3. A threat or statement of a plan to inflict bodily injury or commit a crime of violence either to a party, to a third person or to the conciliator-mediator;
- 11.4. Sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice filed against the conciliator-mediator in a proceeding; or
- 11.5. Sought or offered to prove or disprove a claim of complaint of professional misconduct of malpractice filed against a party, nonparty participant, or representative of a party based on conduct occurring during a mediation.

Section 12. *Other Grounds for Termination of Conciliation-Mediation.* — The conciliation-mediation proceedings may be terminated on any of the following reasons:

- 12.1. Failure to reach a settlement or agreement by the parties; or
- 12.2. Termination upon agreement of the parties.

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

RULE XIV SUMMARY JUDGMENT AND CONDUCT OF CLARIFICATORY HEARINGS

Section 1. *Summary Judgment.* — Upon the termination of the conciliation-mediation proceedings on account of the failure of the parties to reach a settlement, the Board or the Commission shall require the parties to submit their verified position papers, or in lieu thereof, their respective memoranda decisions as in Section 1 of Rule XV, furnishing each other copies thereof, within a non-extendible period of ten (10) calendar days from the date of 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.

The memorandum decision shall contain clearly and distinctly the facts, issues and applicable laws and jurisprudence upon which they are based. The Commission or the Board, after considering and appreciating the applicable laws and evidence offered, may adopt, in whole or in part, either of the parties' memorandum decisions. Failure of any party to submit his/her verified position paper or memorandum decision as required shall be deemed a waiver thereof. The Board shall issue an Order submitting the case for decision.

Section 2. *Clarificatory Hearing.* — After the filing of the position papers, affidavits, and pleadings and before submitting the case for resolution, a clarificatory hearing, which is inquisitorial in nature, may be called, if necessary, to further elicit facts or information material to the case as appearing in the submissions of the parties.

The Hearing Officer may call a clarificatory hearing except in cases where the issue strictly involves the expertise, specialized training, and technical knowledge of the Board, in which case, the Hearing Officer shall conduct the clarificatory hearing in the presence of at least one (1) member of the Board.

In the conduct of clarificatory hearings, the parties shall be afforded the opportunity to be present but without the right to examine or cross-examine the party/witness being questioned.

RULE XV DECISION

Section 1. *Decision.* — The case shall be decided on the basis of the affidavits, pleadings, and position papers or memorandum decisions filed by the parties, and matters discussed during the clarificatory hearing, if any.

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.

Should a member of the Board fail or refuse to sign the Decision, he/she must state in writing the reasons for such failure or refusal to sign and must immediately submit the same to the Commission.

Section 2. *Motion for Reconsideration.* — A party aggrieved by the decision or final order of the Board may file a motion for reconsideration within fifteen (15) calendar days from receipt thereof. 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:

- 2.1. 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/her rights;
- 2.2. Newly discovered evidence which he/she could not, with reasonable diligence, have discovered and produced at the hearing, and which if presented would probably alter the results thereof; or
- 2.3. 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) calendar 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 sixty (60) calendar days from the date of the order submitting the case for decision.

Section 5. *Finality of Decision.* — The decision, order, or resolution of the Board shall become final and executory, unless appealed to the Commission within fifteen (15) calendar days from receipt thereof.

Section 6. *Entry of Judgment.* — If no appeal or motion for reconsideration is filed within the time provided in these Rules, the Legal Service or the Office of the Director of the concerned Regional Office 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 Chief of the Hearing and Investigation Division or the Officer-in-Charge/Director of the concerned Regional Office, 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 Docket Officers of the Legal Service under the supervision of the Chief of the Hearing and Investigation Division or by the Office of the Director of the concerned Regional Office.

Section 7. *Certificate of Finality.* — Upon the entry of judgment, the Chief of the Hearing and Investigation Division or the Officer-in-Charge/Director of the concerned Regional Office shall issue a Certificate of Finality which shall be furnished to the parties, concerned Accredited Professional Organizations or Accredited and Integrated Professional Organizations and concerned government agencies, as well as the concerned Offices/Divisions of the Commission, for information, guidance, and appropriate action.

The Special Prosecution Division, as the prosecuting arm of the Commission, must likewise be furnished with the Certificate of Finality, for appropriate action relative to the execution of the Decision.

RULE XVI IMPOSABLE PENALTIES

Section 1. *Imposable Penalties.* —

- 1.1. **For Chairpersons and Members of the Board** – If found guilty of the charges, the Commission shall:
 - 1.1.1. Revoke or suspend the Certificate of Registration of said Board Chairperson or Member;
 - 1.1.2. Require the surrender of his/her Certificate of Registration and Professional Identification Card; and
 - 1.1.3. Recommend to the Office of the President the suspension or removal of the member of the Board from office, as the case may be.
- 1.2. **For Professionals** – If found guilty by the Board, the respondent professional shall be meted the appropriate penalties as stipulated in their respective Professional Regulatory Laws and/or Code of Ethics, which may include but shall not be limited to the following: (1) reprimand; (2)

suspension; (3) revocation of the authority to practice his/her profession; and (4) surrender of his/her Certificate of Registration and Professional Identification Card.

- 1.3. **For Holders of Special Temporary Permits** – The impossible penalty 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.
- 1.4. **For Examinees** – The impossible penalty shall be the cancellation of the results of his/her licensure examination, deferment of his/her registration, or debarment from taking a licensure examination.
- 1.5. **For Officials and Employees of the Commission** – The impossible penalty under the Civil Service law, rules and regulations shall be applied.

Section 2. Prohibition on Engaging in the Practice of the Profession. — In case a penalty of suspension or revocation of license shall be meted by the Board or the Commission, the dispositive portion of the decision shall contain a prohibition on the professional upon whom such penalty is imposed from the practice of his/her profession. Provided further, that in case of a judgment of suspension, the term of the suspension shall be fixed therein.

RULE XVII APPEAL

Section 1. Appeal. — The resolution of the Board that completely disposes of the case shall be final and executory after the lapse of fifteen (15) calendar days from receipt thereof without an appeal being undertaken by either party.

An appeal from the final order or resolution of the Board may be taken to the Commission proper by filing a notice of appeal within a non-extendible period of fifteen (15) calendar days from notice thereof. The appellant shall file the notice of appeal with the Legal Service of the Central Office or the concerned Regional Office where the case originated and shall serve copies thereof upon the adverse party. The appellant shall pay the appellate docket and other lawful fees as stated under Section 4 of Rule XVII.

An electronic copy of the notice of appeal must be transmitted in the manner prescribed under Rule XII of these Rules.

Section 2. Subject of Appeal. — No appeal may be taken from:

- 2.1. An interlocutory order; or
- 2.2. An order dismissing an action without prejudice.

No appeal shall be allowed without a motion for reconsideration duly filed against a decision or final order of the Board in accordance with Section 2 of Rule XV.

Section 3. 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.

The rules on electronic transmittal of pleadings under Rule XII of these Rules shall be observed.

Section 4. *Appeal and Legal Research Fees.* — Upon filing of the notice of appeal, the appellant shall pay the appeal and legal research fees. Proof of payment thereof shall be transmitted with the original record of the case.

Without prejudice to the exemption provided to indigent litigants mentioned in Section 5, Rule V of these Rules, failure to pay the appeal and legal research fees within the period for taking an appeal shall be a ground for the dismissal of the appeal.

Section 5. *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.

Section 6. *Requirements for Perfection of Appeal.* — An appeal shall be deemed perfected upon compliance with the following requirements:

- 6.1. Notice of appeal stating the specific material date when the final order or resolution was received;
- 6.2. Official receipt of the appeal and legal research fees attached to the notice of appeal; and
- 6.3. 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 7. *Evaluation and Action on Appeal.*

- 7.1. Within fifteen (15) days from filing of the appeal, the Legal Service or Legal Division/Section shall transmit the complete original records to the Commission through the Legal Appeals Unit. If the records cannot be completed despite reasonable efforts, the Legal Service or Legal Division/Section shall indicate the documents not included in the transmitted records and provide an explanation for their non-transmittal and/or identify steps taken to complete the records. The letter of transmittal shall be furnished the parties.
- 7.2. Upon receipt of the records, the Commission shall notify the parties of the fact that the requirements for perfecting an appeal have been complied with and the notice of appeal is given due course. Otherwise, the Commission may dismiss the appeal and cause the entry of the judgment or final order with notice to the Legal Service or Legal Division/Section.
- 7.3. Within fifteen (15) days from receipt of the notice giving due course to the appeal, it shall be the duty of the appellant to submit a memorandum a copy of which shall be furnished by him to the adverse party. The appeal memorandum 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. Failure of the appellant to file a memorandum shall be a ground for dismissal of the appeal.
- 7.4. Within fifteen (15) days from receipt of the appellant's memorandum, the appellee may file his counter-memorandum and serve a copy thereof upon the appellant.

- 7.5. Upon the filing of the appellee's memorandum or the expiration of the period to do so, the case shall be considered submitted for decision.

Section 8. *Decision in Appealed Cases.* — The decision of the Commission shall become final and executory within fifteen (15) calendar 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, final order, or resolution shall have become final and executory.

Section 10. *Entry of Judgment in Appealed Cases.* — Upon the finality of the decision, the Commission through the Legal Appeals Unit shall cause the entry of judgment or final order in the Book of Entries of Judgments for appealed cases. 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 Head of the Legal Appeals Unit, with a certificate that such judgment or final order has become final and executory. The Legal Appeals Unit shall immediately cause the transmittal of the records of the case including a copy of the certificate of finality of the decision of the Commission and proof of entry of the judgment to the Legal Service or the Regional Office concerned for the execution of the decision in accordance with Rule XVIII of these Rules.

The Book of Entries of Judgments for appealed cases shall be kept and maintained by the Legal Appeals Unit under the supervision of the Head of the Legal Appeals Unit.

RULE XVIII 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 Legal Service or the Legal Section or Division of the concerned Regional Office shall serve copies of the decision, final order, or resolution of the Commission or the Board, and the corresponding certificate of finality to the parties' last known addresses, and to the respondent's current place of employment, if known.

Section 2. *Effectivity Date of Execution.* — The judgment of suspension or revocation shall be immediately executory upon finality thereof. The parties shall notify the Legal Service or the Legal Section or Division of the concerned Regional Office the fact of receipt of the final judgment.

In the absence of return cards, certifications from the post office or private courier or other proofs of service to the parties, a certificate of finality may be issued after sixty (60) calendar days from the date of mailing of the judgment.

During the period of the suspension or revocation, the guilty respondent shall be disqualified from professional practice and his/her name shall be added to the Control List of the Commission. The respondent professional must immediately desist from the practice of his/her profession upon notice of the final judgment. Further, the respondent shall be barred from renewing his/her Professional Identification Card.

Section 3. Affidavit of Compliance. — The respondent professional shall not be authorized to resume the practice of the profession unless he/she has filed with the Legal Service or the Legal Section or Division of the concerned Regional Office, an affidavit stating therein that he/she has completed the term of his/her suspension. A copy of the affidavit shall be furnished to the complainant and the local chapter of the Accredited Professional Organization/Accredited and Integrated Professional Organization (APO/AIPO) where the respondent is affiliated. Such affidavit shall include an attestation that the respondent professional has desisted from the practice of his/her profession during the entire term of the suspension.

Upon submission of the affidavit of compliance, the final judgment of suspension shall be automatically lifted. The name of the professional shall be removed from the Control List and he/she shall be allowed to renew his/her Professional Identification Card.

The respondent professional who submits a false or untruthful sworn statement of compliance shall be subject to applicable criminal and/or administrative complaint.

Section 4. Authority to Inspect. — To ensure compliance with the final judgment of suspension or revocation, the Board or the Commission, through the Legal Service or the Legal Section or Division of the concerned Regional Office, may conduct an inspection of the place of work or business of the respondent.

A random inspection may also be done upon any information or report and with reasonable cause to believe that the respondent is engaging in any activity that constitutes professional practice.

A criminal complaint for illegal practice of the profession may be initiated against the respondent upon evidence that the professional continued to practice while suspended. The respondent may also be the subject of another administrative complaint which may warrant a more severe imposition of penalty.

Any finding contrary to the statements made by the professional under oath shall also affect his/her reinstatement to the practice.

Section 5. Assistance of the APOs/AIPOs. — In carrying out their duty to maintain the standards of the profession through effective collaboration with the Board and the Commission,¹ the APOs/AIPOs shall assist in the implementation of the final judgment. For this purpose, the APOs/AIPOs may notify its membership of the member-professionals with suspended or revoked licenses.

The concerned APOs/AIPOs shall report to the Board or the Commission, through the Legal Service or the Legal Section or Division of the concerned Regional Office, any information regarding possible violations by the respondent professional arising from unauthorized practice during the term of suspension or revocation.

Section 6. Publication on the Commission's Website. — The Legal Service or the Legal Section or Division of the concerned Regional Office shall cause the publication of the name of the respondent professional and information, i.e., license number, profession, and the period of suspension or fact of revocation of his/her license, on the Commission's website. The posting shall constitute notice to the public and transacting clients that the respondent professional is barred from professional practice.

RULE XIX PETITION FOR REINSTATEMENT

¹ Section 15 of Resolution No. 2018-1089, Series of 2018 ("*Revised Rules on the Accreditation of Professional Organizations and Integrated Professional Organizations*") on the Duties and Responsibilities of APO/AIPO.

Section 1. Action for Reinstatement. — An action for reinstatement shall be in the form of a verified petition and shall be accompanied by a certification of non-forum shopping. The petition shall include a clearly legible duplicate original or a certified true copy of the decision or resolution adjudging revocation of the petitioner's professional license.

Petitions for reinstatement shall only be entertained if filed within the period provided under the applicable Professional Regulatory Laws, reckoned from the date of finality of the judgment of revocation of the petitioner's professional license.

The petition shall include a statement that the petitioner has immediately desisted from the practice of his/her profession from the time he/she was notified of the final judgment of revocation of his/her professional license.

Section 2. Who May File. — An action for reinstatement may be filed by a party in interest or a duly authorized representative.

Section 3. Mode of Filing a Petition for Reinstatement. — A petition for reinstatement shall be filed either personally, through registered mail, or by a private courier. The provisions on electronic transmittal of pleadings under Rule XII shall be applicable.

Section 4. Payment of Docket and Legal Research Fees for Appeals. — A petition for reinstatement is an initiatory action with a new cause of action. The petition shall not be considered filed unless the correct docket and legal research fees are paid.

In cases of petitions filed through registered mail or private courier, payment shall be made in accordance with paragraph 2 of Section 4 of Rule V of these Rules.

Section 5. Form and Contents. — The petition for reinstatement must be written in a clear, simple and concise language, with attached supporting evidence, which reflects on its face that the following criteria have been met:

- 5.1. Petitioner has fully complied with the terms and conditions of all prior disciplinary orders as well as the period to file as provided in the appropriate Professional Regulatory Law;
- 5.2. Petitioner recognizes the wrongfulness, seriousness, and gravity of his/her act/s and/or omission/s, which caused the revocation of his/her professional license;
- 5.3. Petitioner has uncontestable competence to practice his/her profession, despite the conduct which caused the revocation of his/her license; and
- 5.4. Any party-in-interest has been informed of the nature and cause of the petition.

The rules on instituting and commencing actions as prescribed by Rule III of these Rules shall apply.

Section 6. Number of Copies. — The petition for reinstatement shall be filed in three (3) legible copies plus such number as there are parties in interest.

The complainant in the original case upon which the respondent's license was revoked shall be considered a party in interest to the action.

Section 7. Reinstatement Proceedings. — Upon finding that the petition is *prima facie* meritorious, the Board shall conduct a thorough investigation, based on the documents

submitted, and such other means that are made available to it. The Hearing Officer shall assist the Board to verify the details and the authenticity of the statements, and the evidence attached to the petition.

The Board may require additional evidence such as other supporting documents and judicial affidavits of disinterested persons to establish by clear and convincing evidence, to the satisfaction of the Board, the fitness and competence of the petitioner to practice the profession.

Section 8. Determination by the Board. —The Board shall resolve the petition based on the facts established and evidence substantiated by the petitioner.

In ruling the merit of the petition, the following circumstances shall be appreciated:

- 8.1. Potential for public service;
- 8.2. Remorse over the wrongful acts he/she committed;
- 8.3. Potential contribution to the scholarship and development of the professional practice;
- 8.4. Sufficient lapse of time from imposition of penalty to allow reformation;
- 8.5. Finding of guilt in other administrative case for the same or similar misconduct; or
- 8.6. Such other relevant factors and analogous circumstances.

The Board shall serve a copy of the ruling upon the parties involved, the concerned Accredited Professional Organization or Accredited and Integrated Professional Organization, concerned government agencies, as well as the concerned Offices/Divisions of the Commission.

Section 9. Effect of Granting the Petition; Reinstatement of Petitioner — If the petition is favorably considered by the Board after reviewing the records and evidence adduced by the interested parties, the validity of the revoked Certificate of Registration and Professional Identification Card of the petitioner shall be immediately reinstated.

Upon reinstatement of the petitioner, his/her name shall be automatically removed from the Control List and the petitioner shall be authorized to practice his/her profession.

RULE XX MISCELLANEOUS PROVISIONS

Section 1. Repealing Clause. — PRC Resolution No. 2017-1033 (A), Series of 2017 is hereby repealed. All other issuances inconsistent herewith are likewise repealed or modified accordingly.

Section 2. 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.

Section 3. Transitory Provisions. — These Rules shall apply to all cases filed after effectivity hereof. All pending proceedings shall also be governed by these Rules provided that any provision herein shall not apply if such would unduly prejudice substantive rights of the respondent to be heard fairly and expeditiously.

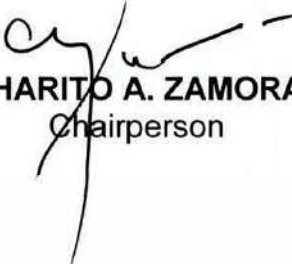
Section 4. Effectivity. — These Rules shall take effect fifteen (15) calendar days following its full and complete publication in the Official Gazette or in a newspaper of general circulation.

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

Done in the City of Manila, Philippines, this 7th day of February, 2025.



ERWIN M. ENAD
Commissioner



CHARITO A. ZAMORA
Chairperson

[VACANT]
Commissioner

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