

RECORD OF THE SENATE

MONDAY, MARCH 1, 1999

OPENING OF THE SESSION

At 3:11 p.m., the President Pro Tempore, Hon. Blas F. Ople, called the session to order.

The President Pro Tempore. The 68th session of the Senate in the First Regular Session of the Eleventh Congress is hereby called to order.

Let us all stand for the opening prayer to be led by Sen. Francisco S. Tatad.

After the prayer, the Department of Health Choir will lead us in the singing of the national anthem. The choir will also render another song, entitled *Luha sa Kinalimutang Lupa*.

Everybody rose for the prayer.

PRAYER

Senator Tatad.

God our Father, we come to You in search of peace
We have not always been true to Your goodness and
grace

Look not at our weakness and unfaithfulness
But only upon our desire to be with our people in
their deepest need.

This we ask in the name of Jesus Christ Your Son,
our Lord

Who lives and reigns with You and the Holy Spirit one
God Forever and ever, Amen.

NATIONAL ANTHEM

Everybody remained standing for the singing of the national anthem.

ROLL CALL

The President Pro Tempore. The Secretary will please call the roll.

The Secretary, reading:

Senator Teresa S. Aquino-Oreta	**
Senator Robert Z. Barbers	Present
Senator Rodolfo G. Biazon	Present
Senator Renato L. Compañero Cayetano	Present
Senator Anna Dominique M.L. Coseteng	Present*

Senator Franklin M. Drilon	Present
Senator Juan Ponce Enrile	Present
Senator Juan M. Flavio	Present
Senator Teofisto T. Guingona Jr.	Present
Senator Gregorio B. Honasan	Present
Senator Robert S. Jaworski	Present
Senator Loren B. Legarda-Leviste	Present
Senator Ramon B. Magsaysay Jr.	Present
Senator Blas F. Ople	Present
Senator John Henry R. Osmeña	Present*
Senator Sergio R. Osmeña III	Present
Senator Aquilino Q. Pimentel Jr.	Present
Senator Ramon B. Revilla	Present
Senator Raul S. Roco	**
Senator Miriam Defensor Santiago	Present
Senator Vicente C. Sotto III	Present
Senator Francisco S. Tatad	Present
The President	**

The President Pro Tempore. With 18 senators present, there is a quorum.

THE JOURNAL

Senator Drilon. I move that we dispense with the reading of the *Journal* of the previous session and consider it approved.

The President Pro Tempore. Is there any objection?
[Silence] There being none, the motion is approved.

Senator Drilon. I move that we proceed to the Reference of Business.

The President Pro Tempore. Is there any objection?
[Silence] There being none, the motion is approved.

The Secretary will read the Reference of Business.

REFERENCE OF BUSINESS

BILL ON FIRST READING

The Acting Secretary [Atty. Reyes]. Senate Bill No. 1489, entitled

AN ACT PROVIDING A COMPREHENSIVE PROGRAM OF SUPPORT FOR VICTIMS OF TORTURE

Introduced by Senator Santiago

* Arrived after the roll call

** On official mission

Senator Drilon. Mr. President.

The President Pro Tempore. The Majority Leader is recognized.

SPECIAL ORDERS

Senator Drilon. May I move that we transfer from the Calendar for Ordinary Business to the Calendar for Special Orders, Committee Report No. 25 on Senate Bill No. 1271, entitled

AN ACT FURTHER AMENDING PRESIDENTIAL DECREE NUMBERED TWO HUNDRED AND TWENTY-THREE AS AMENDED, ENTITLED "CREATING THE PROFESSIONAL REGULATION COMMISSION AND PRESCRIBING ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES."

The President Pro Tempore. Is there any objection? [Silence] There being none, the motion is approved.

BILL ON SECOND READING

S. No. 1271—Professional Regulation Commission

Senator Drilon. Mr. President, I move that we consider Senate Bill No. 1271 as reported out under Committee Report No. 25.

The President Pro Tempore. Consideration of Senate Bill No. 1271 is now in order.

With the permission of the Body, the Secretary will read only the title of the bill, without prejudice to inserting in the Record the whole text thereof.

The Acting Secretary [Dep. Sec. Pineda]. Senate Bill No. 1271, entitled

AN ACT FURTHER AMENDING PRESIDENTIAL DECREE NUMBERED TWO HUNDRED AND TWENTY-THREE AS AMENDED, ENTITLED "CREATING THE PROFESSIONAL REGULATION COMMISSION AND PRESCRIBING ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES"

The following is the whole text of the bill:

Senate Bill No. 1271

AN ACT FURTHER AMENDING PRESIDENTIAL DECREE NUMBERED TWO HUNDRED AND

TWENTY-THREE, AS AMENDED, ENTITLED CREATING THE PROFESSIONAL REGULATION COMMISSION AND PRESCRIBING ITS POWERS AND FUNCTIONS AND OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. *STATEMENT OF POLICY.* - THE STATE RECOGNIZES THE IMPORTANT ROLE OF PROFESSIONALS IN NATION-BUILDING AND, TOWARDS THIS END, PROMOTES THE SUSTAINED DEVELOPMENT OF A RESERVOIR OF PROFESSIONALS WHOSE COMPETENCE HAS BEEN DETERMINED BY HONEST AND CREDIBLE LICENSURE EXAMINATIONS AND WHOSE STANDARDS OF PROFESSIONAL SERVICE AND PRACTICE ARE WORLD-CLASS AND INTERNATIONALLY RECOGNIZED.

SEC. 2. Section 1 of Presidential Decree Numbered Two Hundred and Twenty-Three, as amended, is hereby renumbered as Sec. 2 and amended to read as follows:

SEC. 2. *Professional Regulation Commission.* - There is hereby created a three-man Commission to be known as the Professional Regulation Commission, HEREINAFTER REFERRED TO AS THE COMMISSION, which shall be attached to the Office of the President for general direction and coordination.

SECTION 3. Section 2 of the same Decree is hereby renumbered as Sec. 3.

SECTION 4. Section 3 of the same Decree is hereby renumbered as Sec. 4 and amended to read as follows:

SEC. 4. *Exercise of Powers and Functions of the Commission.* - The Commissioner, who shall be the Chairman of the Commission, and the Associate Commissioners as Members thereof shall [] SIT AND ACT as a body [] TO exercise general administrative, executive and policy-making functions OF THE COMMISSION [for the whole agency]. THE COMMISSION SHALL ESTABLISH AND MAINTAIN A HIGH STANDARD OF ADMISSION TO THE PRACTICE OF ALL PROFESSIONS AND AT ALL TIMES ENSURE AND SAFEGUARD THE INTEGRITY OF ALL LICENSURE EXAMINATIONS.

THE CHAIRMAN SHALL ACT AS THE PRESIDING AND CHIEF EXECUTIVE OFFICER OF THE COMMISSION. AS PRESIDING OFFICER, HE SHALL PRESIDE OVER THE MEETINGS OF THE COMMISSION SITTING AS A COLLEGIAL BODY. AS CHIEF EXECUTIVE OFFICER OF THE COMMISSION, HE SHALL BE RESPONSIBLE FOR THE IMPLEMENTATION OF POLICIES OF AND THE PROGRAMS ADOPTED BY THE COMMISSION FOR THE GENERAL ADMINISTRATION OF THE COMMISSION.

SECTION 5. Section 4 of the same Decree is hereby renumbered as Sec. 5 and amended to read as follows:

SEC. 5. *Compensation AND OTHER BENEFITS.* - The Commissioner [shall receive an annual compensation of Forty-eight thousand pesos (P48,000.00) with Five hundred pesos (P500.00) commutable transportation and representation allowances] and the Associate Commissioners [, Thirty-six thousand pesos (P36,000.00) each with Three hundred and fifty pesos (P350.00) commutable transportation and representation allowances] SHALL HAVE THE SAME RANK, SALARY, PRIVILEGES AND RETIREMENT BENEFITS AS THOSE OF THE PRESIDING JUSTICE AND ASSOCIATE JUSTICES OF THE COURT OF APPEALS, RESPECTIVELY.

SECTION 6. Section 5 of the same Decree is hereby renumbered as Sec. 6 and amended to read as follows:

SEC. 6. *Powers of the Commission.* - The powers of the Commission are as follows:

a) To [administer, implement and enforce] PRESCRIBE, ISSUE OR PROMULGATE RULES AND REGULATIONS WHICH SHALL GOVERN THE ADMINISTRATION, IMPLEMENTATION AND ENFORCEMENT OF the regulatory policies of the National Government with respect to the [regulation and] licensing AND REGULATION of the various professions and occupations [and] under its jurisdiction including the ENHANCEMENT AND maintenance of professional and occupational standards and ethics [and the enforcement of the rules and regulations relative thereto];

b) To perform any and all acts, enter into contracts, make such rules and regulations and issue such orders and other administrative issuances as may be necessary in the execution and implementation of its functions and the improvement of its services.

c) [To review, coordinate, integrate and approve the policies, resolutions, rules and regulations, orders or decisions promulgated by the various boards with respect to the profession or occupation under their jurisdictions including the result of their licensure examinations but their decisions on administrative cases shall be final and executory unless appealed to the Commission within thirty (30) days from the date of promulgation thereof.] TO REVIEW, REVISE AND APPROVE RESOLUTIONS EMBODYING POLICIES PROMULGATED BY THE PROFESSIONAL REGULATORY BOARDS IN THE EXERCISE OF THEIR POWERS AND FUNCTIONS OR IN IMPLEMENTING THE LAWS REGULATING THEIR RESPECTIVE PROFESSIONS AND OTHER OFFICIAL ACTIONS ON NON-MINISTERIAL MATTERS WITHIN THEIR RESPECTIVE JURISDICTIONS;

d) To administer and conduct the licensure examinations of the various regulatory boards [according to] IN ACCORDANCE WITH the rules and regulations promulgated by THE COMMISSION; determine and fix the dates and places of examinations [;], use the buildings and facilities of public and private schools for examination purposes; APPROVE THE RESULTS OF EXAMINATIONS AND THE RELEASE OF THE SAME; TO ADOPT MEASURES TO PRESERVE THE INTEGRITY AND INVIOABILITY OF LICENSURE EXAMINATIONS; appoint supervisors and room [examiners] WATCHERS from among the permanent employees of the government AND/or private individuals WITH BACCALAUREATE DEGREES, at least twenty-five (25) years old [and gainfully employed] who have been trained by the Commission FOR THE PURPOSE AND who shall be entitled to a reasonable daily allowance [of not less than Ten pesos (P10.00)] for every examination day actually attended, TO BE DETERMINED AND FIXED BY THE COMMISSION [and approve

the release of the examination results] AND IMPOSE THE PENALTY OF SUSPENSION OR PROHIBITION FROM TAKING LICENSURE EXAMINATIONS TO ANY EXAMINEE CHARGED AND FOUND GUILTY OF VIOLATING THE RULES AND REGULATIONS GOVERNING THE CONDUCT OF LICENSURE EXAMINATIONS PROMULGATED BY THE COMMISSION;

e) To keep and maintain a register of the authorized practitioners of the profession or occupation; issue certificates of registration signed by all the members of the Board concerned and the Commissioner with the official seal of the Board affixed THERETO, AND ISSUE PROFESSIONAL LICENSES TO PRACTICE A PARTICULAR PROFESSION, BEARING THE COMMISSIONER'S NAME AND SIGNATURE, THE LICENSEE'S NAME AND PICTURE, REGISTRATION NUMBER AND EXPIRY DATE THEREOF EXCEPT TO MARINE DECK AND ENGINEER OFFICERS WHO SHALL BE ISSUED CERTIFICATES OF COMPETENCY AND ENDORSEMENT: *PROVIDED*, THAT A PRIVILEGE TAX RECEIPT (PTR) SHALL NOT BE ISSUED TO A REGISTERED PROFESSIONAL UNLESS HE SHALL HAVE PRESENTED A VALID AND CURRENT PROFESSIONAL LICENSE;

f) To have custody of all the records of the various Boards, including [their] examination papers, minutes of deliberation, records of administrative cases and investigations and examination results FOR CONTROL AND DISPOSITION;

g) To determine [,] AND fix [and collect] the amount of fees to be charged AND COLLECTED for examination, registration, registration without examination, ANNUAL license [annual registration fees], certification, DOCKET, APPEAL, REPLACEMENT, ACCREDITATION, INCLUDING surcharges AND other fees not specified under the provisions of Republic Act NUMBERED FOUR HUNDRED SIXTY-FIVE AS AMENDED BY Republic Act NUMBERED SIXTY-FIVE HUNDRED AND ELEVEN or TO [amend] CHARGE AND COLLECT REASONABLE

FEES AT THE RATES HIGHER THAN the rates provided thereunder subject to the approval by the [Office of the President] EXECUTIVE SECRETARY;

h) To appoint, subject to the provisions of [laws] CIVIL SERVICE LAW AND RULES, officials and employees of the Commission [as are] necessary [in] FOR the effective performance of its functions and responsibilities; prescribe their duties and fix their compensation AND ALLOWANCES INCLUDING OTHER FRINGE BENEFITS and to organize or reorganize the structure of the Commission IN ACCORDANCE WITH SECTION 7 HEREOF; create or abolish positions or change the designation of existing positions IN ACCORDANCE WITH A STAFFING PATTERN PREPARED BY IT AND APPROVED BY THE OFFICE OF THE PRESIDENT to meet the changing conditions or as the need arises: *Provided*, That such changes shall not affect the employment status of the incumbents, reduce their ranks and/or salaries nor shall result IN THEIR [separating] SEPARATION [them] from the service;

i) To submit and recommend to the President of the Philippines [nominees] THE NAMES OF INDIVIDUALS for appointment as members of the various PROFESSIONAL Regulatory Boards UNDER THE ADMINISTRATIVE SUPERVISION OF THE COMMISSION from among those nominated to fill UP vacancies PURSUANT TO THE PROVISIONS OF EXECUTIVE ORDER NO. 496, SERIES OF 1991;

j) [The Commission may,] Upon recommendation of the PROFESSIONAL REGULATORY Board concerned, TO approve the registration of and authorize the issuance of a certificate of registration AND LICENSE with or without examination to a foreigner, who is registered under the laws of his country AND WHOSE CERTIFICATE OF REGISTRATION HAS NOT BEEN SUSPENDED OR REVOKED: *Provided*, That the requirements for the registration or licensing in said foreign state or country are substantially the same as those required and contemplated by the laws of the Philippines and that the laws

of such foreign state or country allow the citizens of the Philippines to practice the profession on the same basis and grant the same privileges as THOSE ENJOYED BY the subjects or citizens of such foreign state or country: *Provided, further,* That the [applicant shall submit competent and conclusive documentary evidence, confirmed by the Department of Foreign Affairs, showing that his country's existing laws permit citizens of the Philippines to practice the profession under the rules and regulations governing citizens thereof: *Provided, finally,* That the] Commission may, upon recommendation of the Board concerned [, and approval of the President] authorize the issuance of a certificate of registration AND LICENSE, without examination or a temporary OR special permit FOR NOT MORE THAN ONE (1) YEAR, SUBJECT TO RENEWAL, to practice the profession, to any foreigner regardless of whether or not reciprocity exists in the practice of his profession between his country and the Philippines under such conditions as may be determined by the Commission, if such foreigner is internationally known to be an outstanding expert in his chosen profession or a well-known specialist in any of its branches, and that his services are urgently necessary either for lack or inadequacy of local experts or if [his services will promote the advancement of the profession in the Philippines] SUCH FOREIGN PROFESSIONAL IS ON A MISSION IN THE PHILIPPINES TO RENDER FREE PROFESSIONAL SERVICES; [The Commission is also hereby authorized to prescribe additional requirements or grant certain privileges to foreigners seeking registration in the Philippines if the same privileges are granted to or same additional requirements are required of citizens of the Philippines in acquiring the same certificates in his country.]

k) [The Commission shall have general supervision over] TO SUPERVISE AND CONTROL foreign nationals who are authorized by existing laws [or granted special permits] to practice their profession temporarily in the Philippines to see TO IT that the terms and conditions for THEIR PRACTICE OR OF THEIR employment are strictly observed and adhered to;

l) [To prescribe, or revise, in] IN [conjunction] CONSULTATION with the PROFESSIONAL REGULATORY Board concerned, [and the] TO RECOMMEND TO THE [Secretary of Education and Culture or his authorized representative,] COMMISSION ON HIGHER EDUCATION (CHED) THE REVISION OR AMENDMENT OF THE CURRICULA OF collegiate PROFESSIONAL courses the completion of or graduation from which shall be a pre-requisite for admission TO THE LICENSURE EXAMINATION AND [into] TO the practice of the profession concerned;

m) To exercise ADMINISTRATIVE supervision over the members of the various PROFESSIONAL REGULATORY Boards;

n) 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;

o) TO ADOPT A PROGRAM FOR THE FULL COMPUTERIZATION OF ALL LICENSURE EXAMINATIONS GIVEN BY THE VARIOUS PROFESSIONAL REGULATORY BOARDS INCLUDING THE REGISTRATION OF PROFESSIONALS;

p) TO HEAR AND DECIDE ADMINISTRATIVE CASES AGAINST OFFICIALS AND EMPLOYEES OF THE COMMISSION WHO HAVE VIOLATED THE CIVIL SERVICE LAW AND RULES AND REGULATIONS ISSUED THEREUNDER: *PROVIDED,* THAT ONLY DECISIONS RENDERED IMPOSING PENALTIES OF AT LEAST SUSPENSION EXCEEDING THIRTY (30) DAYS OR A FINE IN AN AMOUNT EXCEEDING THIRTY (30) DAYS SALARY MAY BE APPEALED TO THE CIVIL SERVICE COMMISSION WITHIN FIFTEEN (15) DAYS FROM RECEIPT OF A COPY OF THE DECISION;

q) TO CONDUCT INVESTIGATION *MOTU PROPRIO* OR UPON THE FILING OF A COMPLAINT BY AN AGGRIEVED PARTY AGAINST MEMBERS OF THE PROFESSIONAL REGULATORY BOARDS FOR NEGLIGENCE 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 AND TO RECOMMEND TO THE PRESIDENT OF THE PHILIPPINES THEIR SUSPENSION OR REMOVAL FROM OFFICE AS THE CASE MAY BE;

r) TO ISSUE SUMMONS, *SUBPOENA* AND *SUBPOENA DUCES TECUM* IN CONNECTION WITH THE INVESTIGATION OF CASES AGAINST OFFICIALS AND EMPLOYEES OF THE COMMISSION AND THE MEMBERS OF THE PROFESSIONAL REGULATORY BOARDS;

s) TO HOLD ANY PERSON FOR DIRECT OR INDIRECT CONTEMPT UPON ANY OF THE GROUNDS PROVIDED IN RULE 71 OF THE RULES OF COURT AS ARE APPLICABLE TO THE COMMISSION OR ITS HEARING OFFICERS AND IMPOSE THE PENALTY THEREFOR;

t) TO CALL UPON OR REQUEST ANY DEPARTMENT, INSTRUMENTALITY, OFFICE, BUREAU, INSTITUTION OR AGENCY OF THE GOVERNMENT INCLUDING LOCAL GOVERNMENT UNITS TO RENDER SUCH ASSISTANCE AS IT MAY REQUIRE, OR TO COORDINATE OR COOPERATE IN ORDER TO CARRY OUT, ENFORCE OR IMPLEMENT THE PROFESSIONAL REGULATORY POLICIES OF THE GOVERNMENT OR ANY PROGRAM OR ACTIVITY IT MAY UNDERTAKE PURSUANT TO THE PROVISIONS OF THIS ACT;

u) TO PERFORM SUCH OTHER FUNCTIONS AND DUTIES AS MAY BE NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT, THE VARIOUS PROFESSIONAL REGULATORY LAWS, DECREES, EXECUTIVE ORDERS AND OTHER ADMINISTRATIVE ISSUANCES.

SECTION 7. A new Section shall be added after Section 6 to be known as Sec. 7 which shall read as follows:

SEC. 7. OFFICES IN THE COMMISSION.
- THE COMMISSION AND THE VARIOUS PROFESSIONAL REGULATORY BOARDS SHALL CARRY OUT THEIR FUNCTIONS THROUGH THE OFFICES OF THE COMMISSIONER; THE ASSOCIATE COMMISSIONERS; THE EXECUTIVE DIRECTOR; THE SECRETARY OF THE PROFESSIONAL REGULATORY BOARDS; THE DIRECTOR FOR LEGAL AFFAIRS; THE DIRECTOR FOR LICENSURE; THE DIRECTOR FOR REGULATION; THE DIRECTOR FOR INTERNATIONAL AFFAIRS; THE DIRECTOR OF FINANCIAL, MANAGEMENT AND ADMINISTRATIVE SERVICES; THE DIRECTOR FOR PROFESSIONAL TEACHERS AND THE REGIONAL DIRECTORS. THE COMMISSIONERS AND ASSOCIATE COMMISSIONERS, EXECUTIVE DIRECTOR, DIRECTORS OF OFFICES INCLUDING REGIONAL OFFICES AND ALL CHIEF PROFESSIONAL REGULATION OFFICERS, SUPERVISING PROFESSIONAL REGULATION OFFICERS, LEGAL OFFICERS AND/OR ATTORNEYS, ADMINISTRATIVE OFFICER V AND ALL REGIONAL ADMINISTRATIVE OFFICERS OF THE COMMISSION ARE AUTHORIZED TO ADMINISTER OATHS.

SECTION 8. Section 6 of the same Decree is hereby renumbered as Sec. 8 and amended to read as follows:

SEC. 8. Powers, Functions and Responsibilities of THE various REGULATORY Boards. - The various REGULATORY Boards shall retain the following powers, functions and responsibilities:

a) To look from time to time into the conditions affecting the practice of the profession or occupation under their respective jurisdictions and whenever necessary, adopt such measures as may be deemed proper for the enhancement of the profession or occupation and/or the maintenance of high professional, ethical and technical standards, and for this purpose the members of the Board may UPON

REQUEST DULY GRANTED BY THE COMMISSION personally or through [subordinate] RESPONSIBLE employees of the Commission, conduct ocular inspection or visit industrial, mechanical, electrical or chemical plants or ESTABLISHMENTS, hospitals, clinics, LABORATORIES, TESTING FACILITIES and other engineering works where registered PROFESSIONALS are employed or are working for the purpose of determining compliance/practice with the provision or occupation or as an aid in formulating policies relative thereto in accordance with the established policies promulgated by the Commission;

b) To HEAR OR investigate CASES ARISING FROM violations of their respective laws, [and] the rules and regulations promulgated thereunder and THEIR CODES OF ETHICS AND, for this purpose, may issue summonses, *subpoena* and *subpoena duces tecum* to alleged violators AND/or witnesses [thereof and] TO COMPEL their attendance [to] IN such investigations or hearings: PROVIDED, THAT THE DECISION OF THE PROFESSIONAL REGULATORY BOARD SHALL, UNLESS APPEALED TO THE COMMISSION, BECOME FINAL AND EXECUTORY AFTER FIFTEEN (15) DAYS FROM RECEIPT OF NOTICE OF JUDGMENT OR DECISION;

c) To delegate the hearing or investigation of administrative cases filed before them except in cases where the issue OR QUESTION involved strictly concerns the practice of the profession or occupation, in which case, the hearing shall be presided over by at least one (1) member of the Board concerned assisted by a Legal or Hearing Officer of the Commission;

d) To [promulgate decisions on such administrative cases subject to review by the Commission. If after thirty (30) days from the receipt of such decision no appeal is taken therefrom to the Commission, the same shall become final and immediately enforceable] CONDUCT THROUGH THE LEGAL OFFICERS OF THE COMMISSION SUMMARY PROCEEDINGS ON MINOR VIOLATIONS OF THEIR RESPECTIVE

REGULATORY LAWS, VIOLATIONS OF THE RULES AND REGULATIONS ISSUED BY THE BOARDS TO IMPLEMENT THEIR RESPECTIVE LAWS, INCLUDING VIOLATIONS OF THE GENERAL INSTRUCTIONS TO EXAMINEES COMMITTED BY EXAMINEES, AND RENDER SUMMARY JUDGMENT THEREON WHICH SHALL, UNLESS APPEALED TO THE COMMISSION, BECOME FINAL AND EXECUTORY AFTER FIFTEEN (15) DAYS FROM NOTICE OF DECISION OR JUDGMENT;

e) Subject to review by the Commission, to approve registration without examination and the issuance of corresponding certificate of registration [,];

f) After due process, to suspend, revoke or reissue, RE-INSTATE certificates of registration or licenses for causes provided by law;

g) TO PREPARE, ADOPT AND ISSUE THE SYLLABI OR TABLES OF SPECIFICATIONS OF THE SUBJECTS FOR EXAMINATIONS IN CONSULTATION WITH THE ACADEME; [to] determine and prepare the [contents of] questions FOR the licensure examinations WHICH SHALL STRICTLY BE WITHIN THE SCOPE OF THE SYLLABUS OR TABLE OF SPECIFICATIONS OF THE SUBJECT FOR EXAMINATION; score and rate the examination papers WITH THE NAME AND SIGNATURE OF THE BOARD MEMBER CONCERNED APPEARING THEREON and submit the results IN ALL SUBJECTS duly signed by the members of the Board to the Commission within TEN (10) days from the last day of examination unless extended by the Commission FOR JUSTIFIABLE CAUSE/S; and subject to the approval by the Commission, determine the appropriate passing general AVERAGE rating IN AN EXAMINATION if not provided for in the law regulating the profession;

h) TO REGULATE THE PRACTICE OF THE PROFESSIONS;

i) TO PREPARE AN ANNUAL REPORT OF ACCOMPLISHMENTS ON PROGRAMS,

PROJECTS AND ACTIVITIES OF THE BOARD DURING THE YEAR FOR SUBMISSION TO THE COMMISSION AFTER THE CLOSE OF EACH CALENDAR YEAR AND MAKE APPROPRIATE RECOMMENDATIONS ON ISSUES OR PROBLEMS AFFECTING THE PROFESSION TO THE COMMISSION.

SECTION 9. A new section is added after Section 8 to be known as Section 9 which shall read as follows:

SEC. 9. THE MEMBERS OF ALL THE PROFESSIONAL REGULATORY BOARDS SHALL EACH RECEIVE A MONTHLY COMPENSATION EQUIVALENT TO THE MONTHLY SALARY OF A POSITION WITH A SALARY GRADE OF 28, *PROVIDED*, THAT THE CHAIRMEN SHALL EACH RECEIVE A MONTHLY COMPENSATION OF TEN PERCENT (10%) MORE: *PROVIDED, FURTHER*, THAT THEY SHALL RECEIVE OTHER BENEFITS THAT MAY BE PROVIDED BY LAW.

SECTION 10. A new section is added after Section 9 to be known as Section 10 which shall read as follows:

SEC. 10. *PERSONS TO TEACH SUBJECTS FOR LICENSURE EXAMINATION ON ALL PROFESSIONS.* - ALL SUBJECTS FOR LICENSURE EXAMINATIONS SHALL BE TAUGHT BY PERSONS WHO ARE HOLDERS OF VALID CERTIFICATES OF REGISTRATION AND VALID PROFESSIONAL LICENSES OF THE PROFESSION AND OTHER REQUIREMENTS OF THE COMMISSION ON HIGHER EDUCATION (CHED) WHOSE SUBJECTS THEY ARE GOING TO TEACH.

SECTION 11. A new Section is added after Section 10 to be known as Section 11 which shall read as follows:

SEC. 11. *ASSISTANCE OF LAW ENFORCEMENT AGENCY.* - ANY LAW ENFORCEMENT AGENCY SHALL, UPON CALL OR REQUEST OF THE COMMISSION OR OF ANY PROFESSIONAL REGULATORY BOARD, RENDER ASSISTANCE IN ENFORCING THE REGULATORY LAW OF THE PROFESSION INCLUDING THE RULES AND REGULATIONS

PROMULGATED THEREUNDER BY PROSECUTING THE VIOLATORS THEREOF IN ACCORDANCE WITH LAW AND THE RULES OF COURT.

SECTION 12. A new section is added after Section 11 to be known as Section 12 which shall read as follows:

SEC. 12. *AUTHORITY TO USE INCOME.* - THE COMMISSION IS HEREBY AUTHORIZED TO USE SEVENTY- FIVE PER CENTUM (75%) OF ITS INCOME FROM ALL SOURCES EXCEPT COLLECTIONS OF OATH-TAKING FEES UNDER SECTION 6 (h) HEREOF, FOR THE OPERATIONAL EXPENSES OF THE COMMISSION INCLUDING ITS REGIONAL OFFICES, COMPENSATION OF MEMBERS OF THE BOARD, SALARIES, ALLOWANCES, HONORARIA, OVERTIME AND OTHER BENEFITS OF OFFICIALS AND EMPLOYEES INCLUDING THE HIRING OF CONSULTANTS, CASUAL, EMERGENCY AND CONTRACTUAL PERSONNEL AS THE EXIGENCIES OF THE SERVICE REQUIRE, OPERATIONAL EXPENSES FOR RESEARCH AND DEVELOPMENT, TRAINING AND EDUCATION AND INSTITUTIONAL LINKAGES, PURCHASE, ACQUISITION AND IMPROVEMENT OF EQUIPMENT, FURNITURE, AND FIXTURES, MOTOR VEHICLES, SITES AND CONSTRUCTION OF BUILDING FOR OFFICE SPACES AND EXAMINATION HALLS, CONDUCTING RESEARCH TO KEEP THE BOARDS AND THE COMMISSION ABREAST WITH CURRENT SCIENTIFIC AND TECHNOLOGICAL AND PROFESSIONAL STANDARDS IN THE REGULATION OF PROFESSIONS AND OCCUPATIONS AND IN ALL OTHER MATTERS THAT WOULD ENHANCE THE EFFECTIVENESS AND EFFICIENCY OF THE OFFICE.

SECTION 13. A new section is added after Section 12 to be known as Section 13 which shall read as follows:

SEC. 13. *PENALTIES FOR MANIPULATION AND OTHER CORRUPT PRACTICES IN THE CONDUCT OF PROFESSIONAL EXAMINATIONS.* -

a) ANY PERSON WHO MANIPULATES OR RIGS LICENSURE EXAMINATION RESULTS, SECRETLY INFORMS OR MAKES KNOWN LICENSURE EXAMINATION QUESTIONS PRIOR TO THE CONDUCT OF THE EXAMINATION OR TAMPERS WITH THE GRADES IN PROFESSIONAL LICENSURE EXAMINATIONS SHALL, UPON CONVICTION, BE PUNISHED BY IMPRISONMENT OF NOT LESS THAN SIX (6) YEARS AND ONE (1) DAY TO NOT MORE THAN TWELVE (12) YEARS OR A FINE OF NOT LESS THAN FIFTY THOUSAND (P50,000.00) PESOS TO NOT MORE THAN ONE HUNDRED THOUSAND (P100,000.00) PESOS OR BOTH SUCH IMPRISONMENT AND FINE AT THE DISCRETION OF THE COURT.

b) IN CASE THE OFFENDER IS AN OFFICER OR EMPLOYEE OF THE COMMISSION OR A MEMBER OF THE REGULATORY BOARD, HE SHALL BE REMOVED FROM OFFICE AND SHALL SUFFER THE PENALTY OF PERPETUAL ABSOLUTE DISQUALIFICATION FROM PUBLIC OFFICE IN ADDITION TO THE PENALTIES PRESCRIBED IN THE PRECEDING SECTION OF THIS ACT.

(c) THE PENALTY OF IMPRISONMENT RANGING FROM FOUR (4) YEARS AND ONE (1) DAY TO SIX (6) YEARS OR A FINE RANGING FROM TWENTY THOUSAND (P20,000.00) PESOS TO NOT MORE THAN FORTY-NINE THOUSAND (P49,000.00) PESOS OR BOTH IMPRISONMENT AND FINE AT THE DISCRETION OF THE COURT, SHALL BE IMPOSED UPON THE ACCOMPLICES. THE PENALTY OF IMPRISONMENT RANGING FROM TWO (2) YEARS AND ONE (1) DAY TO FOUR (4) YEARS OR A FINE RANGING FROM FIVE THOUSAND (P5,000.00) PESOS TO NOT MORE THAN NINETEEN THOUSAND (P19,000.00) PESOS, OR BOTH IMPRISONMENT AND FINE AT THE DISCRETION OF THE COURT, SHALL BE IMPOSED UPON THE ACCESSORIES.

MISCELLANEOUS PROVISIONS

SECTION 14. A new section is added after Section

13 to be known as Section 14 which shall read as follows:

SEC. 14. *SEPARABILITY CLAUSE*. - IF ANY PROVISION OF THIS ACT OR THE APPLICATION OF SUCH PROVISION TO ANY PERSON OR CIRCUMSTANCES IS DECLARED INVALID OR UNCONSTITUTIONAL, THE REMAINDER OF THIS ACT OR APPLICATION OF SUCH PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCE SHALL NOT BE AFFECTED BY SUCH DECLARATION.

SECTION 15. Section 9 of Presidential Decree Numbered Two Hundred and Twenty-Three is hereby renumbered as Section 15 and amended to read as follows:

SEC. 15. *REPEALING CLAUSE*. - The provisions of Republic Act No. 546, PRESIDENTIAL DECREE NO. 223, AS AMENDED, NO. 4, ARTICLE 16 OF REPUBLIC ACT NO. 7722 AND REPUBLIC ACT NO. 5181 are hereby repealed [as well as those of pertinent laws inconsistent herewith]. ALL OTHER LAWS AND DECREES THAT ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT ARE LIKEWISE REPEALED ACCORDINGLY.

SECTION 16. Section 10 of the same decree is hereby renumbered as Section 16 and amended to read as follows:

SEC. 16. *Effectivity*. - This Act shall take effect [immediately] AFTER FIFTEEN (15) DAYS FOLLOWING ITS PUBLICATION IN THE *OFFICIAL GAZETTE* OR IN TWO (2) NEWSPAPERS OF GENERAL CIRCULATION, WHICHEVER IS EARLIER.

Approved,

Senator Drilon. Mr. President, for the sponsorship speech, may I ask that the Chair of the Committee on Civil Service and Government Reorganization, Sen. Anna Dominique M. L. Coseteng, be recognized.

The President Pro Tempore. Senator Coseteng is recognized.

SPONSORSHIP SPEECH OF SENATOR COSETENG

Senator Coseteng. Thank you, Mr. President.

Mr. President, honorable colleagues, I am privileged today to speak as sponsor of Senate Bill No. 1271 as contained in Committee Report No. 25 of the Committee on Civil Service and Government Reorganization. The bill's full title for the record is,

AN ACT FURTHER AMENDING PRESIDENTIAL DECREE NUMBERED TWO HUNDRED AND TWENTY-THREE AS AMENDED, ENTITLED "CREATING THE PROFESSIONAL REGULATION COMMISSION AND PRESCRIBING ITS POWERS AND FUNCTIONS, AND FOR OTHER PURPOSES,"

originally authored by the Majority Leader, Senator Drilon, and this representation.

Mr. President, if not for allegations of exam-fixing and leaks, diploma, license or transcript-selling in the university belt and other areas, the Professional Regulation Commission or PRC would hardly be noticed. While public attention remains focused on the more significant line agencies and departments of government, the PRC continues to perform an extremely vital function of regulating the different professions. Except for lawyers, no professional can practice his chosen profession without passing the required board examinations conducted by the PRC and without obtaining the necessary license issued to successful board examinees.

When the PRC was created by virtue of Presidential Decree No. 223 in June of 1973, 30 regulatory boards covering 30 professions were placed under the PRC's jurisdiction. Since then, eight more regulatory boards and two specialty boards have been created and placed under the PRC's jurisdiction bringing to 40 the total number of regulatory boards which fall under the PRC's authority. Other professionals such as real estate brokers and food technologists also seek to place themselves under the PRC's authority. However, due to its small structure these other professions have only been accommodated on an ad hoc basis, lest their inclusion unduly strain the PRC and undermine its ability to properly oversee and safeguard the integrity of the licensure process for the professions which it presently oversees.

It is also important to note that the conduct of professional exams is but one of the PRC's functions. It is also required by PD No. 223 to issue the corresponding licenses to successful examinees.

Mr. President, the PRC conducts 216 exams per year for the

40 different professions and handles an average of 212,049 applicants each year. It issues an average of 70,582 new licenses each year, and renews the licenses of about 1.7 million professionals annually.

Mr. President, the PRC's already significant responsibilities were further augmented under RA No. 7836, otherwise known as the "Philippine Teachers Professionalization Act of 1994." By virtue of this law, the PRC was required to oversee and conduct the teachers' licensure exams. This law resulted in tripling the PRC's already crippling workload.

PRC officials themselves also voiced concern over the fact that nowhere under PD No. 223 is their agency given enough power and authority to oversee the proper implementation of the General Agreement on Trade Services (GATS). While before the practice of any profession within the Philippines has been limited to duly licensed natural-born citizens, under this agreement, accredited and licensed professionals from other countries will now be permitted to practice their professions within the Philippines.

While the PRC remains hard-pressed with the 40 professions which it presently encompasses, it must also be allowed to grow in order to meet the demands of treaties our country has entered into. This may even mean taking responsibility for professionals not presently regulated under our jurisdiction.

Mr. President, honorable colleagues, we also would like to cite the problems that foreign practitioners create for the PRC. As a matter of fact, in many hearings, the PRC authorities headed by Chairman Pobre, has admitted that not a single foreign professional has been issued a license to practice in our country. And yet we see a proliferation of billboards and other such notices which declare to all and sundry that these professionals, in fact, are practicing here. It is, therefore, with these concerns in mind that this representation, the Chairperson of the Committee on Civil Service and Government Reorganization, seeks the approval of the proposed measure.

Mr. President, the more salient and significant features of this bill are as follows:

1. It provides for the full computerization of the PRC's operations, especially with regard to the preparation and implementation of licensure examinations. Through computerization, the number of people who participate in the preparation of exams and the determination of results will be drastically reduced, thereby also diminishing any chance of cheating or leakage.

2. It provides for the speedy release of exam results which would also prevent cheating or results-tampering.

3. The bill also provides measures to ensure that exams are conducted honestly and fairly, and ensures that the board examiners who are chosen, are qualified, honest, and of known integrity.

4. The bill also provides for the delineation of managerial responsibilities of PRC officials to make them work more effectively and efficiently. This delineation of functions is also meant to strengthen discipline within the agency and help weed out corrupt and undesirable officials.

5. It further provides, Mr. President, for the PRC's decentralization and regionalization so that the examinees need not incur the cost of traveling to and from Manila and temporarily living in Manila for that period of time in order to apply, review, and take their exams.

6. The proposed measure also strengthens the PRC's enforcement powers to allow it to pursue its mandate and run after non-PRC and nonprofessional violators of professional regulatory laws. This will protect the public as they are assured that the professionals are duly licensed by the PRC.

7. The bill will also allow the PRC to make use of the income it generates in order to finance the upgrading of its facilities and services, thereby reducing the need for any additional subsidies from the national government for the positive changes which it will be initiating.

8. Given the generally low passing average of most schools that provide courses for education in the professions which require passing a PRC-licensure exam, the PRC wants to take the initiative by helping upgrade the quality of education. This not only helps ensure that prospective examinees pass their respective exams, but that the quality of our professionals are world-class indeed. This laudable objective is also provided for in the proposed bill.

9. Included also in the bill, Mr. President, are pro-poor provisions meant to address the administration of oaths and the rules on foreign professional practice. The intention is to reduce the cost of obtaining a PRC license so that a future professional's career is not prevented by current financial constraints.

10. As previously mentioned, the bill also specifically identifies the PRC as the proper agency which will have jurisdiction and/or control over foreign professionals who may choose to practice in the Philippines.

11. Finally, in order to socialize the fees charged by the PRC, if this bill is approved, it will give the PRC reasonable flexibility in determining its fees, and how the funds collected can be used effectively for its purposes.

Mr. President, during the hearings conducted by the committee, our PRC Chairman Hermogenes P. Pobre said that it was his vision that the reforms in the proposed bill be systematically institutionalized, so that they will become an integral part of the PRC for many years to come. Chairman Pobre's vision is for PRC's licensure processes to become respected internationally so that our professionals are habitually treated with respect and dignity wherever they should choose to practice their profession.

This representation and the committee feel that this vision is not unattainable. Mr. President, however, the first necessary steps to ensure the future must be taken today through the approval of this bill and its enactment into law.

While it might be admitted that many of the PRC's problems are of public knowledge, especially those relating to the integrity of the PRC licensure exams, we would be remiss in our duty should we fail to take the necessary steps to address this problem. The Chairman and officials of the PRC themselves seek approval of this bill as they feel very strongly that it would indeed help address the problems and difficulties they must address. Presidential Decree No. 223 alone is no longer sufficient for these purposes, and our Committee on Civil Service and Government Reorganization strongly feels that the PRC requires a renewed mandate in order to properly and adequately approach prevailing and future conditions. It would be in the country's best interest that the PRC be given sufficient authority and control over professionals.

Mr. President, for these reasons, I hereby submit before the Senate this bill, Senate Bill No. 1271, for the august Chamber's approval.

Thank you and good afternoon.

The President Pro Tempore. The Majority Leader is recognized.

Senator Drilon. Mr. President, with the permission of the Chamber, may I be allowed to deliver a short cosponsorship speech being the principal author of Senate Bill No. 1271.

SPONSORSHIP SPEECH OF SENATOR DRILON

Senator Drilon. Mr. President, today, I stand before this august Chamber to cosponsor Senate Bill No. 1271 under Committee Report No. 25, which proposes vital amendments to Presidential Decree No. 223, the Charter of the Professional Regulation Commission. Allow me to add a few thoughts to that very comprehensive sponsorship speech of the sponsor.

Mr. President, as the nation marches on to the next millennium, we build the bridges of economic growth and social

development. In this great undertaking, the corps of 1.7 million Filipino professionals must lend a helping hand.

Engineers, doctors, accountants, teachers, and other professionals render the services vital to nation-building. They provide the expertise that run industry, trade and commerce. They provide professional services that promote and protect public welfare. Theirs is the responsibility to assume leadership in the country's stride towards the next one thousand years.

Thus, professional regulation must nurture them towards professional excellence and civic duty. Guiding and sustaining our professionals are the challenges which the PRC has to confront in the next millennium.

For 24 years now, the Professional Regulation Commission has steadfastly discharged its functions of regulating and supervising the professions under its jurisdiction.

Together with 40 Professional Regulatory Boards, the PRC must pursue its mandate to promote competence, civic attitude, and integrity in professional practice pursuant to Presidential Decree No. 223.

It endeavors to implement Section 14, Article XII of the 1987 Constitution mandating the State to promote "...the sustained development of a reservoir of national talents consisting of Filipino scientists, entrepreneurs, professionals, managers, high-level technical manpower and skilled workers and craftsmen in all fields"

Through the years, the Commission has undergone a dramatic transformation: a graft-prone agency regaining its efficacy and integrity, a modern licensing system hailed here and abroad for innovation, a corps of professionals committed to global excellence, and a public assured of competent professional services.

However, a world-class Filipino doctor, engineer or architect is not produced overnight. He or she must be nurtured towards professional excellence through quality education, continuing education, global technical standards, access to career opportunities, protection from unfair competition, and professionalism.

Professional excellence empowers the Filipino professional towards realizing his aspirations and fulfilling his civic duty.

Thus, to guide the Filipino in achieving professional excellence and to ensure a sustained and more effective and efficient implementation and administration of professional regulatory policies of the national government, there is a need to modernize the existing PRC law. Promulgated in June 1973, PD No. 223 is no

longer responsive to the demands of professionals and of the Philippines.

First, several professions have been included within the regulatory function of the PRC. More professions, such as the real estate brokers, information technology, airline pilots, industrial engineers and food technologists are seeking to become part of this fold. We now have also before this Chamber another bill which would license landscape architects and, again, this will fall within the Professional Regulation Commission.

At this moment, the PRC can hardly bear the heavy load, getting only contractual personnel to help the 350 or so permanent employees.

Also, PD No. 223 was designed when PRC regulated only 30 boards. The boards have grown to 40 and the existing structure has turned out to be inflexible.

Moreover, with the transfer of regulation over the teaching profession as required by RA No. 7836, the volume of clientele of the PRC has doubled.

Mr. President, my colleagues, Senate Bill No. 1271 empowers the PRC to manage and handle these additional demands on the agency.

Second, the bill seeks to institutionalize reforms which will dramatically improve the integrity of the examinations, particularly the computerization of testing and correction.

Third, the proposed measure will benefit particular professions in need of urgent help. Specifically, about 200,000 Filipino marine deck and engineer officers stand to lose the chance to continue being hired by international vessels if PRC does not initiate more reforms in their certification and testing. Let me highlight the fact that our seafarers dominate the world's seafaring community and remit approximately US\$1.6 billion to the Philippines.

The Professional Regulation Commission must acquire better testing facilities, such as simulators to facilitate hands-on testing of skills required by the International Maritime Organization or IMO. The present PRC law does not allow this flexibility. If PRC cannot comply with the IMO's testing and certification requirements, the Philippines will not be included in the "white list" of IMO-approved countries and, therefore, will deprive our thousands of competent seamen with the ability and opportunity to work in international vessels.

Fourth, the PRC must curtail the activities of producers of fake licenses. Fixers, producers and sellers of fake licenses still ply their

trade because the present law does not allow the PRC, an administrative regulatory body, to directly file cases against such activities. The proposed bill addresses this problem.

Fifth, the proposed law provides for the regionalization of the PRC. This will allow the public to make direct queries with PRC officials and employees in the regional offices. This will keep the public from being uninformed and vulnerable to manipulation, a factor that fixers thrive on.

Mr. President, my colleagues, we cannot afford to lose the gains already made in restoring the integrity of the PRC license. Slowly, our Filipino professionals are regaining the respect and dignity they deserve. Furthermore, we cannot afford to be unresponsive to the demands of the increasingly global economy and our growing population. We envision a PRC with a licensing system which issues licenses that are treated with respect anywhere in the world. Such a PRC must be flexible enough to respond to the challenges of globalization, intelligent and efficient enough to correct itself, its employees and others who will try to degrade the PRC license.

Mr. President, my colleagues, we seek to institutionalize vital PRC reforms under this proposed law. Further, PRC should remain open to and capable of adopting new systems necessary to usher Filipino professionals to the new millennium at whose threshold we now stand.

For these reasons, Mr. President, I earnestly solicit the Body's approval of this bill.

Thank you, Mr. President.

The President Pro Tempore. Thank you, Senator Drilon.

Senator Drilon. Mr. President.

The President Pro Tempore. The Majority Leader is recognized.

SUSPENSION OF CONSIDERATION OF S. NO. 1271

Senator Drilon. Mr. President, I move that we suspend consideration of Senate Bill No. 1271 in order to allow our colleagues to prepare for the interpellation.

The President Pro Tempore. Is there any objection?
[Silence] There being none, the motion is approved.

ADJOURNMENT OF SESSION

Senator Drilon. Mr. President, I move that we adjourn the session until three o'clock tomorrow afternoon, March 2, 1999.

The President Pro Tempore. There is a motion to adjourn the session. Is there any objection? [Silence] There being none, the session is adjourned until three o'clock tomorrow afternoon, March 2, 1999.

It was 4:15 p.m.