

****Title:**** Review Center Association of the Philippines vs. Executive Secretary Eduardo Ermita and Commission on Higher Education

****Facts:**** The case arose from the June 2006 Nursing Board Examinations, conducted by the Professional Regulation Commission (PRC), where a leakage of examination questions was reported. This incident led to President Gloria Macapagal-Arroyo issuing Executive Order No. 566 (EO 566), authorizing the Commission on Higher Education (CHED) to supervise the establishment and operation of all review centers in the Philippines. Subsequently, CHED issued Memorandum Order No. 30, series of 2007 (RIRR), implementing EO 566. Review Center Association of the Philippines, together with several independent review centers and PIMSAT Colleges, filed a petition against the Executive Secretary and CHED, challenging the validity of EO 566 and RIRR. The case went through various stages of legal proceedings, including petitions, resolutions, and interventions submitted by various stakeholders.

****Issues:****

1. Whether EO 566 constituted an unconstitutional exercise of the Executive branch's legislative powers by expanding the CHED's jurisdiction.
2. Whether the RIRR was an invalid exercise of the Executive branch's rule-making power.

****Court's Decision:****

The Supreme Court ruled in favor of the petitioners, declaring EO 566 and CHED Memorandum Order No. 30, series of 2007 (RIRR) void and unconstitutional. The Court found that:

1. EO 566 expanded the coverage of CHED's jurisdiction beyond what was provided in Republic Act No. 7722 (RA 7722), which constituted an unconstitutional usurpation of legislative powers by the Executive.
2. The CHED's issuance of RIRR, based on an unconstitutional executive order, was also invalid as it did not fall within the legal scope of the CHED's rule-making authority.

****Doctrine:**** The decision reiterated the basic doctrine of separation of powers, emphasizing that the Executive cannot usurp legislative functions to expand the jurisdiction of an administrative body such as the CHED. It further underscored the principle that administrative agencies can only exercise rule-making powers within the bounds of the authority granted to them by law.

****Class Notes:****

- Separation of Powers: This principle delineates the functions of the legislative, executive, and judicial branches of government, preventing them from encroaching upon each other's domains.
- The legislative power of the Republic of the Philippines is vested in the Congress, except to the extent reserved to the people by the provision on the initiative and referendum. The executive branch, including the President, does not have the authority to create or expand the legislative powers of an administrative body without the delegation by Congress.
- Administrative agencies' rule-making power is confined within the limits of the law that grants them such power. These agencies cannot exercise powers beyond what is explicitly or implicitly delegated by law.

****Historical Background:****

The case underscored the aftermath of the 2006 nursing board examination leakage scandal, highlighting issues of integrity and accountability within the professional regulation system of the Philippines. Responding to public outcry and the need to safeguard the integrity of licensure examinations, the Executive sought to regulate review centers through EO 566. However, the Supreme Court's ruling underscored the importance of adhering to constitutional processes and the existing legislative framework, thereby preserving the principles of separation of powers and rule of law.