ENJOINING REGULATORY BOARDS FROM ACCEPTING AND/OR CONSIDERING APPLICATIONS/PETITIONS FOR REGISTRATION AS PROFESSIONALS WITHOUT EXAMINATION WHERE THE PERIOD PROVIDED IN THE LAW F...

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It has been observed that Regulatory Boards are still accepting and/or considering applications/petitions for registration as professionals without examination notwithstanding that the period for the availment of such privilege provided in the law creating the Regulatory Board has already expired.

It should be stressed that the period provided in the law for the availment of the privilege is a statutory period or a period fixed by the legislature. As such, it could not be extended by any authority, not even the Supreme Court, except the legislature. It should be obvious that extensions of the period previously made in Resolutions approved by the Regulatory Boards concerned and the PRC are not valid and the publication of the Resolution in the Official Gazette and/or in a newspaper of general circulation does not validate an act which is not valid from the very beginning.

Persons who are qualified for registration without examination but failed to register within the period provided by law should work for the amendment of the law granting the privilege by the legislature by extending the period for the availment of the privilege.

It has also been observed that up to this date, after the lapse of some years from the approval of the law granting registration of professionals without examination, there are still persons who apply for registration without examination pursuant to said law which does not provide for a period for the availment of said privilege, such as R.A. No. 6239, otherwise known as the Forestry Professional Law.

While the law did not fix a period within which to avail of the privilege granted therein, the failure to fix the period should not be construed to mean that the availment of the privilege is interminable, so that anybody who possesses the qualifications set forth therein and earned even after the enactment of the law is qualified to avail of the privilege.

The privilege should only be granted to those who already possessed the qualifications prescribed therein on or before the enactment of the law. Qualifications earned after the enactment of the law could not be the basis for registration without examination.

To hold that the qualifications may be acquired even after the enactment of the law for the reason that the said law did not provide any period for the availment of the privilege would defeat the very purpose of the law which is registration after passing the licensure examination. Moreover, such an interpretation would render the licensure examination a useless exercise if a person who fails in the licensure examination could still avail of the privilege of registration without examination.

Finally, even granting that at this late time, there are still persons who may qualify to register as professionals under the law, i.e., persons who possessed the qualifications prescribed in the law on or before the date the said law was enacted, the privilege should have been availed of within a reasonable period of time. What is reasonable

depends upon the circumstances of time, place or persons. The lapse of more than three years would be unreasonable unless there is a legal justification for non-availment of the privilege.

WHEREFORE, the concerned Regulatory Boards are directed not to accept or not to consider applications or petitions already filed for registration without examination where the period for the filing of said application or petition has already lapsed or where no period is provided in the law within which to file said petition or application.

Adopted: 30 Jan. 1996

(SGD.) HERMOGENES P. POBRE
Commissioner

(SGD) ALFONSO G. ABAD
Associate Commissioner

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