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RULES/GUIDELINES ON THE PUBLICATION OF PROFESSIONAL REGULATION COMMISSION'S (PRC) AND PROFESSIONAL REGULATORY BOARD'S (PRBS) ISSUANCES EITHER IN THE OFFICIAL GAZETTE OR IN NEWSP...

PRC RESOLUTION NO. 2009-511, May 22, 2009

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WHEREAS, issuances of PRC and PRB's, e.g., rules and regulations implementing R.A. No. 8981 and the professional regulatory laws (PRLs), "make" or "constitute" a new law with the force and effect of a valid law (Peralta vs. Civil Service Commission, 212 SCRA 425 [1992]);

WHEREAS, "administrative rules and regulations must also be published if their purpose is to enforce or implement existing law pursuant also to a valid delegation" (Tañada vs. Tuvera, 146 SCRA 454);

WHEREAS, Article 2 of the New Civil Code, Executive Order No. 200 (June 18, 1987), Section 18, Chapter 5, Book I of the 1987 Administrative Code, Supreme Court's pronouncements or rulings in Tañada vs. Tuvera, 146 SCRA 446, Philippine International Trading Corporation vs. Commission on Audit, 309 SCRA 177 (1999), and in other cases are the premises upon which publication of laws, presidential ordinances, and rules and regulations whose purpose is to enforce or implement existing law pursuant to a valid delegation or to fill in details of a statute"

WHEREAS, these issuances like statutes "must invariably affect the public interest even if it might be directly applicable only to one individual, or some of the people only, and to the public as a whole." (Tañada vs. Tuvera, 146 SCRA 45);

WHEREAS, publication is a requirement of the right of the people to information on matters of public concern, and its omission would offend due process insofar as it would deny the public knowledge of the laws, and it accords an opportunity that before the public is bound by the provision of the law, they must be published and the people officially and especially informed thereof xxx" (Tañada vs. Tuvera, 146 SCRA 446);

WHEREAS, "interpretative regulations and those merely internal in nature, that is, regulating only the personnel of the administrative agency and not the public, need not be published. Neither is publication required of the so-called letters of instructions issued by administrative superiors concerning the rules or guidelines to be followed by their subordinates in the performance of their duties" (Tañada vs. Tuvera, 146 SCRA 454);

WHEREAS, "no publication is required of the instructions issued by, say, the Minister of Social Welfare on the case studies made in petitions for adoption or the rules laid down by the head of a government agency on the assignments or workload of his personnel or the wearing of office uniforms xxx" (Tañada vs. Tuvera, 146 SCRA 454);

WHEREAS, issuances that are merely procedural for the implementation of rules and regulations of R.A. No. 8981 and/or of the PRLs need not be published; and

WHEREAS, this policy will bring forth these positive impacts: Mispublication or non-publication will be

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avoided, funds will be saved, and the public users of the published issuances will be appropriately guided;

NOW, THEREFORE, the Commission RESOLVES, as it is hereby RESOLVED, TO REQUIRE THE PUBLICATION of issuances as mentioned hereinafter, and NOT THE PUBLICATION of the hereinafter listed other issuances, in THE OFFICIAL GAZETTE OR NEWSPAPER OF GENERAL CIRCULATION IN THE PHILIPPINES, and, accordingly, to direct the Records Division to carry out such publication coordination with the Budget Division and other concerned divisions, sections, or units of the Commission:

1. FOR FULL AND COMPLETE PUBLICATION IN THE OFFICIAL GAZETTE (OG) OR IN A NEWSPAPER OF GENERAL CIRCULATION (NGC) IN THE PHILIPPINES

1.1 RESOLUTIONS OF PROFESSIONAL REGULATORY BOARDS (PRBs) OR PROFESSIONAL REGULATION COMMISSION (PRC) ON IMPLEMENTING RULES AND REGULATIONS (IRR) OF R.A. NO. 8981 AND PROFESSIONAL REGULATORY LAWS (PRLs), ON CODES OF ETHICS, CODES OF TECHNICAL STANDARDS OF PRACTICE, OR CODES OF GOOD GOVERNANCE FOR THE PROFESSIONS IN THE PHILIPPINES, OR OTHER RESOLUTIONS ENFORCING OR IMPLEMENTING THE PROVISIONS OF R.A. NO. 8981 OR PRLs AND AFFECTING PUBLIC INTEREST – WHETHER APPLICABLE TO ONLY ONE INDIVIDUAL OR SOME OF THE PEOPLE ONLY, AND TO THE PUBLIC AS A WHOLE, OR ON THE REPEALS OR AMENDMENTS THEREOF.

2. NO NEED FOR PUBLICATION IN THE OG OR NGC IN THE PHILIPPINES

2.1 INTERPRETATIVE OR OPINION REGULATION
2.2 REGULATION OF PERSONNEL OF PRC
2.3 LETTERS OF INSTRUCTION OF THE PRB OR PRC CONCERNING THE RULES OR GUIDELINES TO BE FOLLOWED BY THE PRBS OR PRC PERSONNEL IN THE PERFORMANCE OF DUTIES
2.4 MEMORANDUM CIRCULAR (MC), MEMORANDUM ORDER (MO), OFFICE ORDER (OO) ISSUED BY THE PRC/THE PRC CHAIRMAN/COMMISSIONER TO A COMMISSIONER/S, ASSISTANT COMMISSIONER, DIRECTOR, DIVISION CHIEF/OIC, SECTION CHIEF/OIC, OR ANY PRC EMPLOYEE; TO THE PRB/S, THE PRB CHAIRMAN, VICE-CHAIRMAN, MEMBER/S, PRB MC, MO, OO, OR TO OTHER MEMORANDUM ISSUED BY THE PRB TO THE PRC, OR TO OTHER AGENCIES, APOs, etc. SUBJECT TO APPROVAL BY THE CHAIRMAN OF THE PRC.
2.5 RESOLUTION OR OTHER ISSUANCE – ON THE PROCEDURE/ GUIDELINES ON THE IMPLEMENTATION OF R.A. NO. 8981's AND PRLs' IRR, ON OTHER RESOLUTIONS OF INTERNAL NATURE AND NOT INVOLVING PUBLIC INTEREST.
2.6 PRC/PRB INSTRUCTIONS ON CASE STUDIES OR SIMILAR PROJECT TO PRC PERSONNEL.

FURTHER, RESOLVED, the office, division, unit, section, or any designated official/employee in-charge of the drafting of the issuance for publication in the OG or NGC in the Philippines be enjoined to expressly set forth the EFFECTIVITY CLAUSE THEREIN.

This Resolution shall take EFFECT after fifteen (15) days following the full and complete publication thereof in the Official Gazette or newspaper of general circulation in the Philippines.

A copy of this Resolution shall be furnished to the U.P. Law Center and indispensable users thereof, most especially the PROFESSIONAL REGULATORY BOARDS.

(SGD.) NICOLAS P. LAPEÑA, JR.
Chairman

(SGD.) RUTH RANA-PADILLA
Commissioner

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(SGD.) NILO L. ROSAS
Commissioner

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