

CHARLES L. YANG, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, PROFESSIONAL REGULATION COMMISSION, BOARD OF ELECTRICAL ENGINEERING, AND BENJAMIN M. LIMSON, RESPONDENTS.

G.R. No. L-48113. June 06, 1990

Ponente: NARVASA, J.

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NARVASA, J.:

In this appeal by certiorari, petitioner Charles L. Yang seeks reversal of a Court of Appeals resolution[1] promulgated on March 8, 1978 denying his petition to enjoin enforcement of public respondents' order suspending him from the practice of his profession as electrical engineer.

The case arose out of an administrative complaint for unprofessional conduct lodged against Yang by Benjamin Limson before the Board of Electrical Engineering.[2] After due hearing, the Board declared Yang guilty as charged and imposed on him the penalty of suspension from the practice of the electrical engineering profession for a period of two (2) years.[3]

Yang appealed to the Professional Regulation Commission. The Commission however upheld the Board's decision and required Yang to surrender to it his certificate of registration as electrical engineer for safekeeping for the duration of his suspension.[4]

His plea for reconsideration having been denied by the Commission, Yang went to the Court of First Instance of Rizal to challenge the Commission's decision. But the Court dismissed his petition for review for lack of cause of action. The Court ruled that on account of his failure to appeal the decision of the Professional Regulation Commission to the Civil Service Commission before going to court for relief in accordance with Presidential Decree No. 839, Yang failed to exhaust administrative remedies, a fatal omission.[5]

Yang then appealed to the Court of Appeals. There he prayed for reversal of the decisions of the Board of Electrical Engineering and the Professional Regulation Commission, on the ground that (a) the finding of unprofessional conduct against him was contrary to the evidence and applicable law; and (b) the penalty imposed on him (two years suspension) was grossly excessive and arbitrary under the facts.

On January 20, 1978, while his appeal was pending in the Court of Appeals, Yang received a letter from the Executive Director of the Board of Electrical Engineering[6] ordering him to surrender his certificate of registration within ten (10) days from receipt thereof and to desist from practice as a professional electrical engineer. This prompted him to file before the Appellate Court a verified petition for a writ of preliminary injunction and/or temporary restraining order.[7] On January 30, 1978, the Court of Appeals issued a temporary restraining order as prayed for; but after hearing, the Court, by Resolution dated March 8, 1978, set the restraining order aside and denied the petition for injunction. Yang's motion for reconsideration proved futile. Hence, his present appeal to this Court.

According to said Resolution of March 8, 1978, the function of deciding appeals in administrative cases involving professionals had been transferred from the Office of the President to the Chairman of the Civil Service Commission in virtue of Letter of Implementation No. 47, issued by President Marcos on August 18, 1976. And since Yang did not appeal the decision of the Professional Regulation Commission to the Chairman of the Civil Service Commission, he failed to exhaust administrative remedies, thus legally disabling himself to take any proper recourse to the courts.

Yang contends, however, that reliance by the Court of Appeals on LOI No. 47 is erroneous. He argues that Presidential Decree No. 223[8] creating the Professional Regulation Commission and its Implementing Rules and Regulations do not provide for any appeal from the Commission's decision to any superior administrative body, said decision being pronounced "final x x x within thirty days from receipt thereof" by the parties. Hence, according to him, from the decision of the Professional Regulation Commission, there is no further mode of redress except through the courts.

The Professional Regulation Commission has expressed concurrence with Yang's position.[9] Their position is well-taken.

Letter of Implementation No. 47 was issued avowedly to implement Presidential Decree No. 830, which restructured the Office of the President of the Philippines. It transferred to the heads of departments certain "functions now being undertaken by the Office of the President." [10] Particularly, it transferred to the Chairman of the Civil Service Commission, the function of "(a)pproval of rules and regulations promulgated by the Professional Regulation Commission and decision on appeals on administrative cases involving professionals.[11]

That function, however (of deciding appeals in administrative cases involving professionals), no longer pertained to the Office of the President as of the time of the issuance of said Letter of Implementation No. 47, August 18, 1976, or of the decree it was designed to implement, PD 830, effective on November 27, 1975. For as early as 1973, when the Professional Regulation Commission was created by PD 223, the Implementing Rules and Regulations promulgated by the Commission (in virtue of an express grant of power by the Decree) already provided that any party aggrieved by the decision of any professional board (e.g., Board of Electrical Engineers) "may appeal** within thirty days from receipt thereof to the Commission whose decision shall be final," [12] and that decisions of the Commission "shall be final** within thirty days from receipt thereof" (by the parties).[13] Under PD 1, a regulatory agency like the Professional Regulation Commission, having statutorily conferred authority, among others, to "adjudicate contested cases," was declared to be "subject to the administrative supervision of the department under which it is placed, but its "decisions ** in the exercise of its rule-making and adjudicatory powers ** (were not) subject to review by the department head unless otherwise stated specifically by the law establishing it." [14] And appeals "from decisions of (such) regulatory agencies shall be to the courts of justice, unless otherwise specifically provided by law." [15]

Thus, at the time of the promulgation of LOI 47, the Office of the President had not the authority or function to resolve appeals from decisions of the Professional Regulation Commission; the latter's decisions were final, and appeals therefrom could be taken only to the courts of justice, absent any provision of law specifically providing otherwise. The provision of LOI 47 purporting to transfer to the Civil Service Commission the function then "being undertaken by the Office of the President" was clearly founded on a mistaken assumption, such function no longer pertaining to the Office of the President. Moreover, PD 839, which LOI 47 was admittedly designed to implement, contains no provision specifically granting to the Civil Service Commission or to the Office of the President, the power of review in appeals from decisions of the Professional Regulation Commission or any of the professional boards under its supervision. Hence, LOI 47 could not have transferred, and did not transfer, from the Office of the President to the Civil Service Commission, the power of review lodged in the "courts of justice"

over judgments of the Professional Regulation Commission, or explicitly grant that power to the Civil Service Commission.

It was no doubt upon these legal premises that, as the public respondents point out, even after promulgation of LOI 47, the Office of the President has been declaring itself without jurisdiction, and declining to take cognizance, of appeals from the Professional Regulation Commission.[16]

That PD 839 placed the Professional Regulation Commission under the administrative supervision of the Civil Service Commission is of no moment. For, as PD 1 states, *supra*, the placing of a regulatory agency like the Professional Regulation Commission, having statutorily conferred authority, among others, to "adjudicate contested cases," under the administrative supervision of a department did not have the effect of making its "decisions ** in the exercise of its rule-making and adjudicatory powers ** subject to review by the department head unless otherwise stated specifically by the law establishing it."

This proposition is entirely consistent with corresponding provisions of the Administrative Code of 1987.[17]

SEC. 38 * * *

(2) Administrative Supervision ? (a) Administrative supervision which shall govern the administrative relationship between a department or its equivalent and regulatory agencies or agencies as may be provided by law, shall be limited to the authority of the department or its equivalent to generally oversee the operations of such agencies and to insure that they are managed effectively, efficiently and economically but without interference with day-to-day activities; or require the submission of reports and cause the conduct of management audit, performance evaluation and inspection to determine compliance with policies, standards and guidelines of the department; to take such actions as may be necessary for the proper performance of official functions, including rectification of violations, abuses and other forms of maladministration; and to review and pass upon budget proposals of such agencies but may not increase or add to them * * *.

* * *

(b) Such authority shall not, however, extend to:

* * *

(3) the power to review, reverse, revise, or modify the decisions of regulatory agencies in the exercise of their regulatory or quasi-judicial functions; * *

(c) Unless a different meaning is explicitly provided in the specific law governing the relationship of particular agencies, the word 'supervision' shall encompass administrative supervision as defined in this paragraph.

It was therefore error on the part of the respondent Court to decline to act on Yang's case on the ground of want of jurisdiction. As the law now stands, the Civil Service Commission has no power to review, reverse, revise or modify the decision of the Professional Regulation Commission or the professional boards under it, and in accordance with PD 1, *supra*, appeals "from (its) decisions ** shall be to the courts of justice, unless otherwise specifically provided by law." This was in fact the state of the law when Yang commenced proceedings in the then Court of First Instance of Rizal for the review of the adverse decision of the Professional Regulation Commission, and when he appealed to the Court of Appeals which, as already stated, affirmed the Trial Court's order dismissing his appeal for lack of jurisdiction.

The law has since been changed, however, at least in the matter of the particular court to which appeals from the Commission should be taken. On August 14, 1981, Batas Pambansa Bilang 129 became effective and in its

Section 29, conferred on the Court of Appeals "exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders, or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions except those falling under the appellate jurisdiction of the Supreme Court. **." In virtue of BP 129, appeals from the Professional Regulations Commission are now exclusively cognizable by the Court of Appeals.

WHEREFORE, the Resolution of the respondent Court of Appeals dated March 8, 1978 and that of April 11, 1978, denying reconsideration of the former are ANNULLED and SET ASIDE. The case is hereby REMANDED to said Court which shall take cognizance of the petitioner's appeal from the adverse decision of the Professional Regulation Commission dated November 18, 1976, proceed with it in due course, and resolve the same on the merits. No costs.

SO ORDERED.

Cruz, Gancayco, and Medialdea, JJ., concur.

Griño-Aquino, J., on leave.

[1] By the Third Division, composed of Justices Reyes, L.B. (ponente) Busran and Alampay, in CA-G.R. No. 62280-R.

[2] Docketed as Administrative Case No. 170.

[3] B.E.E. Decision dated June 29, 1976; Rollo, pp. 35-40.

[4] PRC Decision dated November 18, 1976; Rollo, pp. 43-45.

[5] CFI Order dated May 19, 1977 penned by Judge Eduardo C. Tutaan; Rollo, pp. 47-59.

[6] Petition, Annex, "F", Rollo, p. 60.

[7] Petition, Annex "G"; Rollo, pp. 62-70.

[8] Promulgated on June 22, 1973.

[9] Public respondent's Comment, Rollo, pp. 112-116.

[10] Emphasis supplied.

[11] Par. 1(a), emphasis supplied.

[12] Sec. 35.

[13] Id.

[14] Par. 2, Art. II, Chapt. IV, Part II, Integrated Reorganization Plan as adopted under P.D. No. 1.

[15] Par. 5, Id.

[16] Comment, pp. 117-120, express reference being made, for instance, to (1) PRC Case No. A-10: Fernando Besabe v. Emiliano Javate (Annex 1, Comment), and (2) OP Case No. 0448-PRC Case No. A-15: Dominador Fernandez v. Soon Too Eng (Annex 2).

[17] 83 OG No. 38, pp. 36-37, Sept. 21, 1987.

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