

**GEORGE C. CORDERO, PETITIONER, VS. BOARD OF NURSING,
RESPONDENT.***G.R. No. 188646. September 21, 2016*

Ponente: JARDELEZA, J.

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The case before us traces its origin from the controversial June 2006 Philippine Regulatory Commission (PRC) Nursing Licensure Exams which involved leakage of actual examination questions, damaging the credibility of the professional examinations in the country and tarnishing the reputation of the Philippine nursing profession. One of the review centers involved in the controversy is INRESS Review Center (INRESS) headed by petitioner George C. Cordero (Cordero).

On November 16, 2006, Cordero received a Summons[1] dated November 8, 2006 from the Board of Nursing (Board) requiring him to file his counter-affidavit/verified answer to the attached Formal Charge[2] for violation of Section 15 (a) of Republic Act (RA) No. 8981[3] and Section 23 (a), (b) and (f) of Article IV of RA No. 9173.[4] Both documents were signed by then Chairperson of the Board, Carmencita Abaquin (Abaquin). The Formal Charge described Cordero's violations as follows:

Being associated with the INRESS Review Center, you made known or caused to make known alone or together person/s, the licensure examination questions in Tests III and V of the June 2006 Nurse Licensure Examinations to your reviewees prior to the conduct of the said examination on June 11 and 12, 2006.

On June 8 and 9, 2006, prior to the conduct of the June 11 and 12, 2006 Nurse Licensure Examination, you and INRESS Review Center held a final coaching review session at a cinema in SM Manila. During the session, several topics were discussed through a powerpoint presentation where various questions on hypothetical scenarios and their corresponding answers were discussed. Among the topics discussed were on the subject Psych[i]atric Nursing (Test V) and Medical-surgical (Test III). Twenty five (25) items in Test III and ninety (90) items in Test V discussed during the aforesaid review session were actual test questions which came out in the June 2006 Nurse Licensure Examination. The powerpoint presentation disclosed that the same had identical contents with the photocopies of the various typewritten questions with corresponding choices of answers with an encircle on the prescribe answer and the one submitted by Ms. Anesia B. Dionisio to the Board of Nursing. A review of the answers given in Test V with the photocopies of various handwritten questions in Test III and Test V with the corresponding handwritten answers likewise confirmed the similarity in the answers in the powerpoint presentation. The power point presentation showed test questions on Test III (Psychiatric Nursing) and Test V (Medical Surgical), prepared by Board members Anesia B. Dionisio and Virginia D. Madeja.[5]

In his Answer,[6] Cordero argued that the Formal Charge was not supported by documentary evidence or sworn statements covering the testimony of witnesses which would support the charges.[7] Hence, there is no basis for the finding of a prima facie case against him. It also failed to apprise him of the nature and cause of the accusations against him thus violating his right to due process.[8] He averred that the Board, in initiating a motu proprio administrative investigation, failed to follow the provisions in filing a formal complaint in accordance

with Resolution No. 06-342 (A)[9] Series of 2006 or the PRC Rules of Procedure (PRC Rules).[10] The Board did not also file the complaint with the Legal Division of the Central Office or a Regional Office of the Commission having territorial jurisdiction over him.[11] Moreover, the Board is acting as a complainant [12]

Cordero claimed that there is nothing in the Formal Charge to support the allegation that he had possession of the actual licensure examination questions prior to the conduct of the examinations on June 11 and 12, 2006.[13] Until such time that the PRC computers have randomly chosen test questions using their Test Question Data Bank System (TQDS) and these tests are printed, there were no licensure examination questions that may be made known. Thus, if there was any leakage of the examination questions, the leak could not have come from anywhere else except from the PRC itself.[14] Cordero pointed out that during the hearings at the House of Representatives, PRC officials testified that the alleged leaked questions that were circulated before, during and after the licensure examinations originated from the PRC.[15]

Cordero stated that it is not unusual that questions discussed during last minute reviews come out in the actual examinations, considering that examiners and reviewers "share the same pool of knowledge from where the questions were drawn." [16] He claimed that the content in the PowerPoint presentation shown in the enhancement review was different from the questions from the board examiner shown to him during the Senate investigation.[17] Moreover, his participation in the final enhancement review was limited to welcoming "reviewees, give them some pep talk, brief them on the do and [don't's] x x x and x x x how to conduct themselves properly during the x x x examination." [18] After such briefing, he left the premises as he does not personally conduct the reviews.[19]

Finally, Cordero maintained that the Formal Charge failed to specify the factual basis constituting the unprofessional and unethical conduct being complained of and which violates the provisions of RA No. 8981, RA No. 9173 and the Code of Ethics for Registered Nurses that could be made the basis for the revocation or suspension of his certificate of registration/professional license.[20]

Before the start of the pre-trial conference held on March 13, 2008, Cordero again raised the issue of jurisdiction and competence of the Board to hear and try his case.[21] Subsequently, he filed a Manifestation and Motion[22] where he emphasized that there is no complaint filed in accordance with the provisions of the PRC Rules.[23] Cordero argued that since the Board issued the Formal Charge based on the National Bureau of Investigation (NBI) findings in the latter's October 12, 2006 Report, the complainant should be the NBI. However, the NBI could not be the complainant since it is not an office, section or division of the PRC.[24] If, on the other hand, it were the Board which had *motu proprio* filed the complaint, such *motu proprio* filing does not exempt it from complying with the provisions of Sections 1 and 2, Article II of the PRC Rules, that there must be a complaint and a complainant.[25] If the Board is the complainant in this case, it would be unjust for him to be tried by the Board who simultaneously acts as the complainant, prosecutor and judge.[26]

The Special Prosecutors of the Legal and Investigation Division, on the other hand, argued in their Comment/Opposition[27] that the pleading filed by Cordero is a prohibited pleading since it is a motion to dismiss.[28] Moreover, a liberal construction of procedural rules applies in administrative cases. The provisions invoked by Cordero must be harmonized with Section 1[29] of Article III of the PRC Rules.[30] The Prosecutors contend that by authority of RA No. 9173, the Board, in the exercise of its power to regulate the nursing profession and protect the public, is acting within its power to investigate, hear and decide complaints of violations of its rules and for unethical and unprofessional conduct.[31] The Board, in filing the charge, is only a nominal party in *motu proprio* cases, while the prosecutors of the case will be the Special Prosecutor and not the Board itself.[32]

In a Resolution[33] dated May 16, 2008, the Board denied Cordero's Manifestation and Motion for lack of merit and set the pre-trial once more.[34] It ruled that no verified complaint is necessary since it, or the PRC itself, may bring an administrative action against any registered professional whose practice and privileges come under its regulation. Further, nothing from the PRC Rules imposes the signing of the Formal Charge by the head of the office, section or division of the PRC. The Chairman, in signing the Formal Charge on the basis of reports against Cordero, merely affirmed the determination of a prima facie case against the latter. There is also no denial of due process because the Board will act as an adjudicating body and not the prosecutor; the job of the latter will be left to the special prosecutors.

Cordero subsequently filed a Motion for Reconsideration[35] which was denied in a Resolution[36] dated September 11, 2008.

Aggrieved, Cordero elevated the case to the Court of Appeals (CA) via a Petition for Certiorari,[37] imputing grave abuse of discretion on the part of the Board.

In a Decision[38] dated April 30, 2009, the CA denied the petition. It found that the Board did not act with grave abuse of discretion amounting to lack or excess of jurisdiction in proceeding with Administrative Case No. 419.[39] Despite Cordero's insistence that there must first be a complaint, and that Section 2, Article II, of the PRC Rules should be construed as exclusively vesting upon the office, section or division of the PRC where the respondent committed the violation, the provision invoked does not negate the right of the Board, by itself, to initiate the administrative case after a prima facie finding, by filing of a formal charge and in effect, be the complainant.[40]

According to the CA, the Board not only has adjudicatory powers but has regulatory and investigatory powers as well for the public interest.[41] The Board, as the aggrieved party and acting on behalf of the public, should be the proper complainant.[42] The power to investigate and prosecute violations of the PRC/Board rules and regulations is an adjunct and an intrinsic element to the Board's regulatory powers in the practice of the nursing profession.[43] Moreover, in administrative proceedings, technical rules of procedure and evidence are not strictly applied and administrative due process cannot be folly equated with due process in its strict judicial sense.[44] Finally, the Board's impartiality could not be questioned. Abaquin, on behalf of the Board, nominally signed the Formal Charge. The case was filed only on prima facie evidence which is subject to refutation.[45]

The CA denied Cordero's Motion for Reconsideration in a Resolution[46] dated June 26, 2009. Hence, this Petition for Review on Certiorari.[47]

Cordero maintains that the Board is not exempt from complying with the procedure in initiating an administrative complaint as clearly spelled out in Article II of the PRC Rules, and that in the absence of a complaint and a complainant, the Board has no jurisdiction to hear and decide the case.[48] He claims that he is being deprived of his right to due process on account of the absence of a complaint and a complainant.[49] Lastly, his right to a fair and impartial trial is not guaranteed because the Board, who is acting as complainant, will also render the decision.[50]

The Board, in its Comment,[51] argues that it has jurisdiction to issue a formal charge against Cordero, and to hear and decide the administrative case. While the PRC Rules prescribe who may file a complaint for purposes of order in procedure, it does not preclude the Board from initiating an administrative action.[52] Administrative rules are not to be applied rigidly. Lastly, the Board argues that Cordero has not been denied due process because he was not denied an opportunity to be heard.[53] In fact, the administrative investigation against him has not yet advanced because of his persistent attempts to stall it.[54] The Board has not in any way shown partiality against him.[55]

We deny the petition.

The PRC is responsible for the administration, implementation and enforcement of regulatory policies on the regulation and licensing of various professions and occupations under its jurisdiction.[56] Under Section 5 of RA No. 8981, the PRC is mandated to 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. Under the same law, the various professional regulatory boards of the PRC, the Board of Nursing included, are given the following powers, functions and responsibilities:

Sec. 9. Powers, Functions and Responsibilities of the Various Professional Regulatory Boards. — The various, professional regulatory boards shall retain the following powers, functions and responsibilities:

(a)

To regulate the practice of the professions in accordance with the provisions of their respective professional regulatory laws;

x x x

(c)

To hear and investigate cases arising from violations of their respective laws, the rules and regulations promulgated thereunder and their Codes of Ethics and, for this purpose, may issue summons, subpoena and subpoena duces tecum to alleged violators and/or witnesses to compel their attendance 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;

x x x

(g)

After due process, to suspend, revoke or reissue, reinstate certificate of registration or licenses for causes provided by law.

x x x

(Emphasis supplied.)

These powers are echoed in the provisions of RA No. 9173.[57]

Pursuant to RA No. 8981, the PRC issued Resolution No. 06-342 (A) in 2006, providing for the rules of procedure governing administrative investigations in the PRC and the Boards under it. These rules governed the proceedings in this case.[58]

Cordero does not deny the power of the Board to initiate administrative investigations against erring professionals.[59] However, he insists that the Board did not acquire jurisdiction to hear and decide the administrative case against him because of the former's failure to comply with the procedure in initiating an administrative complaint. We disagree.

Article II of the PRC Rules provides how a complaint should be filed, to wit:

Sec. 1. Complaint. - A complaint shall be in writing and under oath or embodied in an affidavit.

Sec. 2. Who May File. — The complaint may be filed by any person, firm, partnership, association or corporation, through its duly authorized representative. The Commission or the Board may, *motu proprio*, initiate an administrative investigation, in which case, the complainant shall be the office, section, or division

of the Commission where the respondent committed the actionable conduct or violation of the rule or regulation of the Commission or the Board.

x x x

Sec. 5. Where to File a Complaint. - A complaint may be filed at the Legal and Investigation Division (Legal Division) of the Central Office or at the Regional Office of the Commission having territorial jurisdiction over the parties at the option of the complainant. (Emphasis supplied.)

Cordero points out that the Formal Charge was not subscribed under oath. It was not also filed by the office, section or division of the PRC where the respondent committed the actionable conduct or violation of the rule or regulation of the PRC or the Board.

The Board is not precluded from filing an administrative case *motu proprio* and initiate an administrative investigation on its own. Having determined the existence of a *prima facie* case against Cordero, there is no more need to wait for a complainant, or a formal complaint, much more file the same at the offices mentioned in the PRC Rules.

In proceedings before quasi-judicial and administrative bodies, the general rule has always been liberality.[60] Strict compliance with the rules of procedure in administrative cases is not required by law.[61] We have previously ruled that the allegation of improper venue and the fact that a complaint was not under oath are not sufficient grounds for the dismissal of a complaint. We held:

x x x Well to remember, the case was an administrative case and as such, technical rules of procedure are liberally applied. In administrative cases, technical rules of procedure and evidence are not strictly applied and administrative due process cannot be fully equated with due process in its strict judicial sense. The intention is to resolve disputes brought before such bodies in the most expeditious and inexpensive manner possible.[62]

On the requirement that the complaint/Formal Charge be under oath, we agree with the Board that the signature of Chairperson Abaquin is sufficient, considering that it is the Board itself which is the complainant. In an administrative proceeding involving government employees, we ruled that an administrative charge filed by the head of chief of the office concerned need not be under oath, for it is only when the complaint be filed by another person that it be required to be under oath to protect respondents from malicious complaints filed only for the purpose of harassing them.[63] In the same manner, there is no need for the formal charge to be under oath in this case since the Board itself initiated the charge and its Chairperson signed the same in her capacity as head of the Board of Nursing and under her oath of office. The danger of a malicious complaint is no longer present.

Even the Board's alleged failure to furnish Cordero affidavits of witnesses and certified true copy/ies of documentary evidence, copies of the NBI Report and the Board's findings, is not fatal to the administrative case. In *Pefianco v. Moral*,[64] a respondent in an administrative case is not entitled to be informed of the findings and recommendations of any investigating committee created to inquire into charges filed against him. He is entitled only to the administrative decision based on substantial evidence made of record, and a reasonable opportunity to meet the charges and the evidence presented against her during the hearings of the investigation committee.[65] Indeed, Cordero is not entitled to copies of the documents, but as pointed out by the Board, Cordero is not precluded from asking copies of the NBI Report and the Board's findings,[66] but he did not. The Formal Charge was apparently sufficient, since Cordero was able to file his detailed Answer to the charges—he denied any participation in the leakage, pointed to the possible source of the leakage, narrated pertinent portions of the testimonies taken in the Senate hearing, and concluded that the Formal Charge failed to state the basis for a possible administrative sanction against him. The allegations in his Answer constitute proof that he had sufficient notice and understanding of the accusations against him.

Finally, Cordero's argument that the Board is acting as complainant, prosecutor and judge at the same time is also baseless.

The Board's jurisdiction to hear and decide administrative cases against nursing professionals is inherent in its authority to supervise and regulate the nursing profession. Meanwhile, the power to institute an administrative case *motu proprio*, as well as the conduct of the proceedings by the special prosecutors and hearing officers delegated by the PRC or the Board is provided for in the PRC Rules. As explained by the Board,[67] it participates in the administrative proceedings in its capacity as adjudicating body and does not wield any amount of control or supervision relative to the prosecution of the case, and decides *motu proprio* cases based on the presence or absence of evidence and not in any way on the basis of the formal charge it initiated.[68] The prosecution of the case is left to the special prosecutors who are under the direct control and supervision of the Legal and Investigation Division of the PRC. In *Emin v. De Leon*,[69] we ruled that—

Neither is there merit in petitioner's assertion that he was denied the right to due process when the CSC Regional Office, according to him, acted as investigator, prosecutor, judge and executioner. He laments that Director Buenaflor who formally filed the charge nominally was also the hearing officer, and that prosecutor Arty. Anabelle Rosell was also the one who submitted the recommendation to the CSC for the dismissal of petitioner. Recall, however, that it was ultimately the Civil Service-Chairman who promulgated the decision. The report submitted by Atty. Resell based on the hearing where Director Buenaflor sat as hearing officer, was merely recommendatory in character to the Civil Service Commission itself. Such procedure is not unusual in an administrative proceeding.[70] (Emphasis supplied.)

In fact, the only prohibition under Book VII of the Administrative Code of 1987 is that no hearing officer shall engage in both adjudicatory and prosecutory functions.[71] Besides, any perceived error on the decision of the Board is appealable to the PRC, and thereafter, to the CA.[72] Moreover, on a more practical note, the composition of the Board of Nursing changes every three years.[73] The current Board is now composed of new members. Therefore, the evil of having a partial tribunal is no longer extant.

We emphasize that in administrative proceedings, such as the case at bar, procedural due process simply means the opportunity to explain one's side or the opportunity to seek a reconsideration of the action or ruling complained of.[74] To reiterate, Cordero was informed of the subject matter of the charges against him. He was given the opportunity to dispute the charges through his Answer. Cordero cannot fully claim that he was not afforded due process, or even claim partiality on the part of the Board at this stage because the administrative proceedings have only reached the pre-trial stage, due mainly to Cordero's numerous pleadings asserting violation of due process. All told, Cordero's right to due process was not violated.

WHEREFORE, the petition is DENIED. The Decision of the Court of Appeals dated April 30, 2009 is AFFIRMED.

SO ORDERED.

Velasco, Jr., (Chairperson), Peralta, Perez, and Reyes, JJ., concur.

October 20, 2016

NOTICE OF JUDGMENT

Sirs / Mesdames:

Please take notice that on September 21, 2016 a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on October 20, 2016 at 1:55

p.m.

Very truly yours,

(SGD)

WILFREDO V. LAPITAN

Division Clerk of Court

[1] Rollo, p. 44.

[2] Id. at 30, 45-46. The Formal Charge was dated November 7, 2006, and docketed as Administrative Case No. 419.

[3] The PRC Modernization Act of 2000.

Sec. 15. 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 pesos (P50,000.00) to not more than One hundred thousand pesos (P100,000.00) or both such imprisonment and fine at the discretion of the court.

[4] The Philippine Nursing Act of 2002.

Sec. 23. Revocation and suspension of Certificate of Registration/Professional License and Cancellation of Special/Temporary Permit. - The Board shall have the power to revoke or suspend the certificate of registration/professional license or cancel the special/temporary permit of a nurse upon any of the following grounds:

(a)

For any of the causes mentioned in the preceding section;

(b)

For unprofessional and unethical conduct;

x x x

(f)

For violation of this Act, the rules and regulations, Code of Ethics for nurses and technical standards for nursing practice, policies of the Board and the Commission, or the conditions and limitations for the issuance of the temporarily/special permit; x x x

[5] Rollo, pp. 45-46.

[6] CA rollo, pp. 60-67.

[7] Id. at 61.

[8] Id.

[9] New Rules of Procedure in Administrative Investigations in the Professional Regulation Commission and the Professional Regulatory Boards.

[10] CA rollo, p. 61.

[11] Id. at 62.

[12] Id.; rollo, p. 31.

[13] CA rollo, pp. 62-63.

[14] Id. at 63.

[15] Id. at 63-64.

[16] Id. at 66.

[17] Id.

[18] CA rollo p. 65.

[19] Id.

[20] CA rollo, pp. 64-65.

[21] Rollo, p. 47. Pre-trial was scheduled as early as February 8, 2007 (CA rollo, p. 81), but Cordero's counsel asked that it be allowed to file a pleading about allegedly "some legal issues that should be resolved before conducting the trial," (id. at 83) which turned out to be his allegation of improper delegation by the PRC to the hearing officers, and a Motion for Inhibition (id. at 85-89) of the hearing officer of the PRC assigned to his case, on the ground that the same hearing officer is the counsel of PRC in the criminal case filed by the NBI-PRC against Cordero with the Department of Justice. These issues dragged on for months due to the several pleadings and manifestation of the parties. When the issue of inhibition was finally settled, Cordero once more raised the issue of jurisdiction and due process, the same issues which reached the Court in this petition.

[22] Rollo, pp. 47-50.

[23] Id. at 48.

[24] Id.

[25] Id.

[26] Id.

[27] CA rollo, pp. 156-161.

[28] Id. at 156-157.

[29] Sec. 1. Complainant. — The complainant shall be the office, section or unit of the Commission which initiates the action or where the respondent-examinee commits an infraction or violation of the law, rules and regulations, instructions or policies of the Commission or the Board.

x x x

An administrative action against an examinee shall commence with a formal charge which shall be written in a clear, simple and concise language so as to apprise him of the nature and cause of the complaint against him and to enable him to intelligently prepare his defense.

[30] CA rollo, pp. 157-158.

[31] Id. at 158-159.

[32] Id.

[33] Rollo, pp. 59-63.

[34] Id. at 62. The dispositive portion reads:

WHEREFORE, the respondent's Manifestation and Motion is hereby denied for lack of merit. Let the pre-trial of this case be set on July 16, 2008 at 1:30 PM. Respondent is hereby advised to observe the rules on the conduct of pre-trial conference.

SO ORDERED.

[35] Id. at 64-66.

[36] Id. at 69-70.

[37] CA rollo, pp. 2-22.

[38] Rollo, pp. 27-42. Penned by Associate Justice Mariano C. Del Castillo, with Associate Justices Pampio A. Abarintos and Marlene Gonzales-Sison, concurring.

[39] Id. at 36.

[40] Id. at 38.

[41] Id. at 39.

[42] Id.

[43] Id.

[44] Rollo, p. 40.

[45] Id.

[46] Rollo, p. 43.

[47] Id. at 3-26.

[48] Id. at 17.

[49] Id. at 21.

[50] Id. at 23.

[51] Id. at 91-111.

[52] Id. at 101.

[53] Id. at 106.

[54] Id. at 107.

[55] Id.

[56] Functions of the PRC. (<http://www.prc.gov.ph/about/>)

[57] Promulgated on October 21, 2002. The powers of the Board of Nursing include:

Sec. 9. Powers and Duties of the Board. - The Board shall supervise and regulate the practice of the nursing profession and shall have the following powers, duties and functions:

x x x

(b)

Issue, suspend or revoke certificates of registration for the practice of nursing;

(c)

Monitor and enforce quality standards of nursing practice in the Philippines and exercise the powers necessary to ensure the maintenance of efficient, ethical and technical, moral and professional standards in the practice of nursing taking into account the health needs of the nation;

x x x

(e)

Conduct hearings and investigations to resolve complaints against nurse practitioners for unethical and unprofessional conduct and violations of this Act, or its rules and regulations and in connection therewith, issue subpoena ad testificandum and subpoena duces tecum to secure the appearance of respondents and witnesses and the production of documents and punish with contempt persons obstructing, impeding and/or otherwise interfering with the conduct of such proceedings, upon application with the court;

x x x

[58] In 2013, the PRC promulgated Resolution No. 2013-775, "Revised Rules and Regulations in Administrative Investigations" repealing Resolution No. 06-342 (A).

[59] Rollo, p. 19.

[60] *Besaga v. Acosta*, G.R. No. 194061, April 20, 2015, 746 SCRA 93, 105.

[61] *Barcelona v. Lim*, G.R. No. 189171, June 3, 2014, 724 SCRA 433, 451.

[62] *Puse v. Delos Santos-Puse*, G.R. No. 183678, March 15, 2010, 615 SCRA 500, 518.

[63] *Jacob v. Director of Lands*, G.R. No. L-20798, June 21, 1966, 17 SCRA 415, 417; *Maloga v. Gella*, G.R. No. L-20281, November 29, 1965, 15 SCRA 370, 372.

[64] G.R. No. 132248, January 19, 2000, 322 SCRA 439.

[65] Id. at 449.

[66] Rollo, p. 106

[67] Resolution dated May 6, 2008, rollo, pp. 59-63.

[68] Id. at 61-62.

[69] G.R. No. 139794, February 27, 2002, 378 SCRA 143.

[70] Id. at 155.

[71] Sec. 24. Hearing Officers. -

(1) Each agency shall have such number of qualified and competent members of the base as hearing officers as may be necessary for the hearing and adjudication of contested cases.

(2) No hearing officer shall engaged in the performance of prosecuting functions in any contested case or any factually related case.

[72] Cayao-Lasam v. Spouses Ramolete, G.R. No. 159132, December 18, 2008, 574 SCRA 439, 450-451.

[73] RA No. 9173, Section 6 reads:

Sec. 6. Term of Office. - The Chairperson and Members of the Board shall hold office for a term of three (3) years and until their successors shall have been appointed and qualified: Provided, That the Chairperson and members of the Board may be re-appointed for another term.

x x x[74] Vivo v. Philippine Amusement and Gaming Corporation, G.R. No. 187854, November 12, 2013, 709 SCRA 276, 281.

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