PHILIPPINE REGISTERED ELECTRICAL PRACTITIONERS, INC. (PREPI), REPRESENTED BY BEN ROSETE, HERMINIO S. RAMIREZ, CASIANO PAULINO, NONATO VILLANUEVA, JR., RENATO AME, MARIO BLAS, SA...

G.R. No. 87134. January 20, 2000

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

For review on certiorari is the decision of the Regional Trial Court, Manila, Branch 1, which dismissed PREPI's petition for declaratory relief and/or prohibition, for lack of merit.

Petitioner is an organization composed of professional electrical engineers, associate electrical engineers, assistant electrical engineers, and master electricians. It is represented in this case by several of its officers and members.

On July 6, 1988, petitioner filed before the RTC an action for declaratory relief and/or prohibition, assailing the constitutional validity of Resolution No. 1, Series of 1986, issued by the Board of Electrical Engineering, then headed by respondent Mederico T. Cortez. The Professional Regulation Commission, then headed by respondent Julio Francia, Jr., approved said resolution on February 10, 1986.

In said resolution, the Board adopted guidelines for the implementation of the Continuing Professional Education (CPE) Program for electrical engineers. Included therein is a requirement that beginning January 1, 1988, every electrical engineer must earn credit units of CPE before his license could be renewed. To earn credit units, he must first apply for accreditation with the Institute of Integrated Electrical Engineers of the Philippines (IIEE).

Petitioner assailed before the trial court the resolution as violative of the Constitution's equal protection and due process clauses, prohibition against bills of attainder and ex post facto laws, and mandate for the protection of the rights of workers.

Following are the relevant portions of the resolution:

> "III. Possible Exemption to the CPE Guidelines
>
> - An electrical engineering practitioner who has reached the age of 60.
>
> - A top government official of at least Vice-President or Bureau Director level, or equivalent ranking position in private sector.
>
> - A practitioner undergoing post-doctoral studies during his current registration period.
>
> - Those recommended by the PRC or by [the] Board of Electrical Engineering.
>
> - Method of Evaluation and Credit Units
>
> - Basic Requirements

> - PRC requires that a registered Master Electrician or Electrical Engineer [of] any grade shall renew his license once every three (3) years.
>
> - As a condition precedent to the above, he shall first secure from IIEE's Continuing Professional Education Committee a certificate that he has complied with PRC's requirements for Continuing Professional Education.
>
> - A duly registered electrical engineering practitioner should have the following credit units for a period of three (3) years:
>
> Registered Master Electrician 100 credit units
>
> Registered Electrical Engineer 200 credit units (All grades)."[1]

After hearing, the trial court dismissed petitioner's action, on the ground that petitioner failed to establish a clear and unequivocal violation of the Constitution or statute. It pointed out that all reasonable doubts should be resolved in favor of the validity of a statute.

According to the trial court, the questioned resolution is a valid implementation of Section 3, Republic Act No. 184,[2] and Section 6, Presidential Decree No. 223.[3]

The dispositive portion of the RTC decision reads:

> "WHEREFORE, the petition for declaratory relief and/or prohibition with prayer for injunction is hereby dismissed, for lack of merit and the temporary restraining order issued by this Court on July 13, 1988, is lifted and set aside. No pronouncement as to costs.
>
> SO ORDERED."[4]

In this direct appeal to the Supreme Court on pure questions of law, petitioner now raises the following assignment of errors:

> - THE LOWER COURT GRIEVOUSLY ERRED IN DECLARING BOARD RESOLUTION NO. 1 SERIES OF 1986, CONSTITUTIONAL.
>
> - THE LOWER COURT GRIEVOUSLY ERRED IN HOLDING THAT THE RESPONDENTS PRC AND BEE ARE VESTED WITH POWERS TO ADOPT AND PROMULGATE RULES SUCH AS THE RESOLUTION IN QUESTION.
>
> - THE LOWER COURT GRIEVOUSLY ERRED IN FINDING THAT BOARD RESOLUTION NO. 1 SERIES OF 1986, IS VALID, LEGAL AND NOT TAINTED WITH GRAVE ABUSE OF DISCRETION.
>
> - THE LOWER COURT GRIEVOUSLY ERRED IN FINDING THAT THE PETITIONERS' FEAR AND APPREHENSION THAT THE CPE PROGRAM WOULD BE BURDENSOME AND A SOURCE OF RED TAPE IS ONLY IMAGINARY THAN REAL.[5]

Essentially, petitioner raises the following issues in this petition for review: (1) whether or not the Board of Electrical Engineering had authority to issue the resolution in question; and, if it did, (2) whether or not the resolution issued pursuant to that authority is constitutionally valid.

Petitioner argues that the PRC and the Board did not have the requisite authority to issue said resolution. Citing Section 6(a) of P.D. No. 223, petitioner claims that the Board only has visitation powers, "to see [to it] that proper compliments of professionals are employed and given proper responsibilities and remuneration." In other words, petitioner contends that the Board may only conduct inspections of sites where electrical engineering jobs are conducted, primarily to safeguard the welfare of electrical engineers.

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Petitioner contends further that implementation of the resolution would amount to deprivation of property without due process of law, particularly because an electrical engineer's or electrician's license will not be renewed if he failed to obtain any or enough units under the CPE program. Petitioner points out that under Section 32 of R.A. No. 184, the Board has the power to suspend licenses only upon proper notice and hearing.

Petitioner argues that the license to practice a profession is not a mere privilege but a property right. If it were, indeed, only a privilege, it could not be taken away by the simple expedient of passing a board resolution. Petitioner asserts that such license may only be revoked after the license holder is found guilty of the offenses specified in R.A. No. 184 or P.D. No. 223. Since failure to earn units under the CPE program is not among those enumerated, it cannot be made a ground for the revocation of an electrical engineer's or electrician's license.

Petitioner also argues that the classification of persons who may be exempt from the CPE program requirement appears to be arbitrary. Petitioner points out that

> "...electrical engineers and master electricians who are in the responsible practice of designing and constructing electrical installations are excluded in the said exemptions and are not given any credit or merit."[6]

Petitioner further contends that the questioned board resolution does not provide any criteria for the PRC or Board to follow in recommending exemptions to the CPE requirement.

Petitioner also assails the resolution as violative of the equal protection clause since only electrical engineers are subject to the requirements mentioned therein. Members of other professions are not similarly required.

For the respondents, the Solicitor General submits that, contrary to petitioner's assertion, the Board had the authority to promulgate the questioned resolution pursuant to Section 3, R.A. No. 184 and Section 6, P.D. No. 223. The latter law is not limited to the power of inspection and visitation as petitioner contends. It includes the power to formulate policies and programs as may be necessary to improve the practice of a profession.

The Solicitor General further contends that Resolution No. 1, Series of 1986 is not violative of the Constitution. He dismisses as unfounded petitioner's fears regarding the automatic revocation of license for non-compliance with the CPE requirement. Nothing in the questioned resolution provides for such automatic revocation, according to him; there is, thus, no violation of the due process clause.

Neither does the resolution violate the equal protection clause since not all electrical engineers are similarly situated, he further argues. He claims that there are those who, by reason of age and expertise, may reasonably be exempted from the CPE requirement. Equal protection, he concludes, does not require universal application of laws but only equality among equals.

The Solicitor General likewise contends that the resolution is not a bill of attainder since it does not seek to punish but only to regulate the practice of a profession. Neither is it an ex post facto law, he says, since the ex post facto principle only applies to penal statutes and not to regulations involving civil rights such as the practice of a profession.

In his view also, there is no violation of Article VI, Section 28 of the Constitution, which states, in its second paragraph as follows:

> "(2) The Congress may, by law, authorize the President to fix within specified limits, and subject to such limitations and restrictions as it may impose, tariff rates, import and export quotas, tonnage and wharfage dues, and other duties or imposts within the framework of the national development program of the government."

The Solicitor General opines that this provision is simply not pertinent nor applicable in this case. For the fees that may be charged electrical engineers in complying with the CPE program, he argues, are not the duties or imposts

referred to in the preceding constitutional provision.

The issue before this Court boils down to (a) whether the Board of Electrical Engineers in the light of the provisions of R.A. No. 184, had the authority to issue the questioned resolution; and (b) whether the resolution itself violates certain provisions of the present Constitution.

We begin by noting that the Board issued the resolution as a means purportedly to upgrade the knowledge and skills of electrical engineers. Specifically, the resolution has the following objectives:

- To upgrade and update technical knowledge and skills of Electrical Engineering Practitioners;

- To effect transfer of technology from experts and specialists to Electrical Engineering Practitioners;

- To stimulate self-improvement, and thus enhance practitioner's competence and self-confidence; and

- To broaden practitioner's horizon to include awareness of his social responsibility.[7]

Effectivity of the resolution has been expressly made subject to the approval of the PRC and its publication in the Official Gazette, as may be seen from its effectivity clause.

> "VI. Effectivity
>
> These Rules shall take effect upon approval hereof by the Commission and after fifteen (15) days following the completion of its publication in the Official Gazette."[8]

We further note that Section 3, of R.A. No. 184, mandates the Board to recommend to the PRC the adoption of

> "measures as may be deemed proper for the maintenance of good ethics and standards in the practice of electrical engineering in the Philippines..." (Underscoring supplied.)

Moreover, Section 6(a) of P.D. No. 223 gives the various professional boards the power

> "[t]o look from time to time into the conditions affecting the practice of the profession or occupation under their respective jurisdictions and whenever necessary, adopt such measures as may be deemed proper for the enhancement of the profession or occupation and/or the maintenance of high professional, ethical and technical standards..." (Underscoring supplied.)

For said purposes,

> "the members of a Board may personally or through subordinate employees of the Commission conduct ocular inspection or visit industrial, mechanical, electrical or chemical plants or works, hospitals, clinics and other engineering works..."

On this point, petitioner now insists that the authority of the Board is limited to the conduct of ocular inspections. But nothing in said provision in any way imposes such an interpretation. The Board in fact may even do away with ocular inspections, as can be gleaned from the use of the word "may", implying that the conduct of ocular inspections is merely directory and not mandatory. For sure, conducting ocular inspections is only one way of ensuring compliance with laws and rules relative to the professional practice of electrical engineering. But it certainly is not the only way.

We are, therefore, constrained to concede to the Board the existence of the power to issue the assailed resolution, in pursuance of its mandates under R.A. 184 and P.D. 223. What now remains is a determination of whether or not said resolution suffers from constitutional infirmities.

Supervening events, however, have rendered moot this constitutional inquiry. On July 25, 1995, President Fidel

V. Ramos issued Executive Order No. 266, entitled "Institutionalization of the Continuing Professional Education (CPE) Programs of the Various Professional Regulatory Boards (PRBs) under the Supervision of the Professional Regulation Commission (PRC)." E.O. No. 266 found it imperative to impose upon registered professionals the completion of the CPE as a pre-requisite for the renewal of their licenses. Avowedly, CPE would enable the professionals

> "not only to upgrade or improve their technical knowledge and skills but also to keep them abreast with modern trends and technology in their respective professions, thereby assuring the rendition of highly qualitative professional service/s that will be globally competitive under the General Agreement on Trade in Services (GATS) and at the same time securing the safety and protection of the public."[9]

In fact, E.O. No. 266 provides that:

> "SECTION 1. The completion by professional licensees of the Continuing Professional Education (CPE) programs adopted by all Boards is hereby imposed as a mandatory requirement for the renewal of professional licenses." (Underscoring supplied.)

For its part, the PRC issued Resolution No. 507, Series of 1997,[10] entitled "Standardized Guidelines and Procedures for the Implementation of the Continuing Professional Education (CPE) Programs for all Professions." This resolution expressly repealed

> "other Resolutions, circulars or other issuances promulgated by the PRC and Professional Regulatory Boards providing for, or having any bearing on the implementation of the CPE programs, activities or sources..."[11]

Thus, the assailed BEE Resolution No. 1, Series of 1986, providing for guidelines on CPE for electrical engineers, is no longer in effect now.

WHEREFORE, the instant petition is DENIED for being moot and academic.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Buena, and De Leon, Jr., JJ., concur.

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[1] Rollo, pp. 34-35.

[2] An Act to Regulate the Practice of Electrical Engineering in the Philippines, to Provide for the Licensing and Registration of Electrical Engineers and Electricians and for Other Purposes. Section 3, paragraph 3 provides: "The Board shall exercise the powers conferred upon it by this Act, shall from time to time, look into conditions affecting the practice of electrical engineering in the Philippines and, whenever necessary, recommend to the Secretary of Public Works and Communications (now Professional Regulation Commission) the adoption of such measures as may be deemed proper for the maintenance of good ethics and standards in the practice of electrical engineering in the Philippines and thus safeguard public welfare, life, health and property."

[3] Creating the Professional Regulation Commission and Prescribing its Powers and Functions. Section 6 reads: "The various Boards shall retain the following powers, functions and responsibilities: a) To look from time to time into the conditions affecting the practice of the profession or occupation under their respective jurisdictions and whenever necessary, adopt such measures as may be deemed proper for the enhancement of the profession or occupation and/or the maintenance of high professional, ethical and technical standards..."

[4] Rollo, p. 41.

[5] Id. at18.

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[6] Id. at 20-21.

[7] Rollo, p. 63.

[8] Id. at 64.

[9] E.O. No. 266, WHEREAS Clauses.

[10] Published August 4, 1997 in the Official Gazette.

[11] PRC Res. No. 507, S. 1997, Sec. 20.

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