



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

EN BANC

ALLAN DU YAPHOCKUN,
ALFREDO HEBRONA, JR.,
ROGER C. PARE, GENERAL
SANTOS CITY-SARANGANI
REAL ESTATE BOARD
(GENSANSARREB) and SOUTH
COTABATO REAL ESTATE
BOARD (SOCOREB),
Petitioners,

G.R. No. 213314

- versus -

PROFESSIONAL REGULATION
COMMISSION (PRC),
PROFESSIONAL REGULATORY
BOARD OF REAL ESTATE
SERVICE (PRBRES), and
PHILIPPINE INSTITUTE OF
REAL ESTATE SERVICE
PRACTITIONERS, INC. (PHILRES),
Respondents.

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PHILIPPINE ASSOCIATION OF
REAL ESTATE BOARDS, INC.
(PAREB), REAL ESTATE BROKERS
ASSOCIATION OF THE
PHILIPPINES, INC. (REBAP),
NATIONAL REAL ESTATE
ASSOCIATION, INC. (NREA),
FEDERATION OF REAL ESTATE
SERVICE ASSOCIATIONS, INC.
(FRESA), and JOHN WINSTON

G.R. No. 214432

Present:

PERALTA, *CJ*,
PERLAS-BERNABE, *SAJ*,
LEONEN,
CAGUIOA;
GISMUNDO,
HERNANDO,

**JIMENEZ, for himself and as
attorney-in-fact of other individual
real estate service practitioners,**
Petitioners,

- versus -

CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
DELOS SANTOS,
GAERLAN,
ROSARIO, and
LOPEZ, J., *JJ.*

**PROFESSIONAL REGULATION
COMMISSION (PRC),
PROFESSIONAL REGULATORY
BOARD OF REAL ESTATE
SERVICE (PRBRES) and
PHILIPPINE INSTITUTE OF
REAL ESTATE SERVICE
PRACTITIONERS, INC. (PHILRES),**
Respondents.

Promulgated: *Done - Sr. A. Papa-Jomban*

March 23, 2021

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DECISION

GESMUNDO, J.:

These consolidated petitions for *certiorari* and prohibition under Rule 65 challenge the validity of Section 3(h), Rule I of the Implementing Rules and Regulations (*IRR*) of Republic Act (*R.A.*) No. 9646, promulgated by public respondents Professional Regulation Commission (*PRC*) and Professional Regulatory Board of Real Estate Service (*PRBRES*).

Antecedents

On June 29, 2009, President Gloria Macapagal-Arroyo signed into law R.A. No. 9646, otherwise known as the "*Real Estate Service Act of the Philippines (RESA)*." The law aims to professionalize the real estate service sector under a regulatory scheme of licensing, registration and supervision of real estate service practitioners ("*RESPs*" for brevity) which include real estate brokers, appraisers, assessors, consultants, and salespersons in the country.

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Prior to the RESA, the RESPs were under the supervision of the Department of Trade and Industry (*DTI*) through the Bureau of Trade Regulation and Consumer Protection (*BTRCP*), in the exercise of its consumer regulation functions. This function has been transferred to the PRC through the PRBRES pursuant to the RESA.¹

Section 34 of the RESA provides for the establishment and recognition of an Accredited and Integrated Professional Organization (*AIPO*) of RESPs as follows:

SEC. 34. *Accreditation and Integration of Real Estate Service Associations.* **All real estate service associations shall be integrated into one (1) national organization**, which shall be recognized by the Board, subject to the approval of the Commission, **as the only accredited and integrated professional organization of real estate service practitioners.**

A real estate service practitioner duly registered with the Board shall automatically become a member of the accredited and integrated professional organization of real estate service practitioners, and shall receive the benefits and privileges appurtenant thereto; x x x. Membership in the accredited and integrated professional organization of real estate service practitioners shall not be a bar to membership in other associations of real estate service practitioners. (emphases supplied)

On July 21, 2010, the PRC and the PRBRES promulgated the Implementing Rules and Regulations (*IRR*) of the RESA through Resolution No. 02, Series of 2010. Sec. 3(h), Rule I of the said *IRR* defined the *AIPO* in the following manner:

- h.* “Accredited and Integrated Professional Organization (*AIPO*)” - the national integrated organization of **natural persons** duly registered and licensed as Real Estate Service Practitioners that the Board, subject to the approval by the Commission, shall recognize or accredit as the one and only *AIPO*, pursuant to Sec. 34, Art. IV of R.A. No. 9646.

Sec. 34 of Rule IV also provided for the integration of all real estate service associations into one (1) national organization, whereby all RESPs duly registered with the PRBRES shall automatically become members.

¹ *Remman Enterprises, Inc. v. Professional Regulatory Board of Real Estate Service*, 726 Phil. 104 (2014).

Sec. 34 reads:

SEC. 34. Accreditation and Integration of Real Estate Service Associations. All real estate service associations shall be integrated into one (1) national organization, which shall be recognized by the Board, subject to the approval of the Commission, as the only accredited and integrated professional organization of real estate service practitioners pursuant to PRC Res. No. 2004-178, Series of 2004.

A real estate service practitioner duly registered with the board shall automatically become a member of the accredited and integrated professional organization of real estate service practitioners, and shall receive the benefits and privileges appurtenant thereto; *Provided*, That the Board, subject to approval by the Commission, shall issue a Resolution on the membership and payment of the fee therefor as a requirement for the renewal of the Professional Identification Card. The automatic membership in the accredited and integrated professional organization of real estate service practitioners shall not be a bar to membership in other associations of real estate service practitioners.

Pending the accreditation of an integrated professional organization of RESPs, the PRC issued Resolution No. 2009-538, Series of 2009 recognizing the Federation of Real Estate Service Associations (*FRESA*) as an *Interim* AIPO.² Subsequently, two (2) organizations filed their petitions for recognition and accreditation as permanent AIPO, namely the *FRESA* and the Philippine Institute of Real Estate Service Practitioners, Inc. (*PHILRES*).

On October 21, 2011, the PRBRES issued Resolution No. 19, Series of 2011 granting the petition of *PHILRES* to be recognized as the AIPO.³

However, controversy arose regarding the composition of the AIPO pursuant to Sec. 3(h) of the IRR. The principal author of the RESA, former Congressman Rodolfo G. Valencia (*Congressman Valencia*), wrote PRC Chairperson Teresita R. Manzala (*PRC Chairperson Manzala*), advising her that “the lawmakers envision[ed] an umbrella organization of all legitimate and real estate service associations national in scope and character” which means that “the AIPO is to be constituted by associations, possessing juridical personality, composed of duly licensed RESPs who are natural persons.”⁴ This interpretation was contradictory to the position taken by the PRC.

In March 2012, the PRC issued a Position Paper⁵ asserting that it was

² *Rollo* (G.R. No. 214432), pp. 70-71.

³ *Id.* at 72-74.

⁴ *Id.* at 96-97.

⁵ *Rollo* (G.R. No. 213314), pp. 211-219.

not the intent of the law to integrate only “associations” and not natural persons because if that were so, then it would be impossible to have an integrated professional organization of RESPs who are defined under the law as natural persons and not juridical entities. Furthermore, the second paragraph of Sec. 34 of the RESA would be a surplusage if the membership of the AIPO pertains to associations and not individual practitioners.

The PRC’s position appeared to have gained support from the House of Representatives when it passed Resolution No. 299⁶ on October 17, 2012.

On January 21, 2014, PRC Chairperson Manzala issued a Memorandum⁷ to the Registration Division of the PRC Manila and Regional Offices directing them to require all applicants for registration of RESPs to submit, among others, a Certificate of Membership in Good Standing issued by the PHILRES.

On July 28, 2014, petitioners in **G.R. No. 213314** namely: Allan Du Yaphockun (licensed civil engineer and holder of licenses in real estate service as broker, appraiser and consultant); Alfredo Hebrona, Jr. (founder of the online Facebook group GUAPORESP⁸ or the “Genuine and United Accredited Professional Organization of Real Estate Services Professionals”; the GENSANSARREB; the SOCOREB, represented by Yapkochun as its immediate past President, filed in this Court the first petition for *certiorari*, prohibition and mandamus, challenging the validity of Sec. 3(h), Rule I of the IRR of the RESA.⁹

On October 15, 2014, the Philippine Association of Real Estate Boards, Inc. (*PAREB*), Real Estate Brokers Association of the Philippines, Inc. (*REBAP*), National Real Estate Association, Inc. (*NREA*), FRESA, and John Winston, filed the second petition (**G.R. No. 214432**) also assailing the same provision in the IRR.¹⁰

Since both G.R. Nos. 213314 and 214432 question the validity of Sec. 3(h), Rule I of the IRR for being contrary to Sec. 34 of the RESA, the

⁶ Id. at 220-221.

⁷ *Rollo* (G.R. No. 214432), p. 87.

⁸ *Rollo* (G.R. No. 213314), pp. 28-29; *rollo* (G.R. No. 214432), pp. 112-113.

⁹ Id. at 3-14.

¹⁰ *Rollo* (G.R. No. 214432) pp. 2-23.

Court issued a Resolution consolidating the two (2) petitions.¹¹

Petitioners' Arguments

G.R. No. 213314

Petitioners Yaphockun, *et al.*, argue that the PRC and the PRBRES cannot alter, *via* a mere implementing rule, Sec. 34 of the RESA which provides for the integration of real estate associations into an AIPO. They posit that accreditation of PHILRES should be revoked because its tasks include the implementation of the invalid provision in the IRR relating to the integration of real estate individual practitioners only.¹²

Petitioners maintain that the first paragraph of Sec. 34 explicitly provides that the AIPO shall be an integration of all real estate associations. The provision on automatic membership under the second paragraph shall refer only to those RESPs who are not members of any real estate association and are deemed automatic members of the AIPO by operation of law.¹³

Furthermore, petitioners point out the Report¹⁴ of the Bicameral Conference Committee on the disagreeing provisions of House Bill (*HB*) No. 3514 (filed March 12, 2008) and Senate Bill (*SB*) No. 2963 (filed Dec. 9, 2008 and approved June 29, 2009) (re: Real Estate Service Act) dated May 9, 2009, that showed the legislative intent was for the AIPO to be a national organization of real estate associations. Even the main author of the law, former Congressman Valencia, shared this view. However, respondents PRC and PRBRES failed and refused to rectify their mistake to the detriment of the huge majority of RESPs in the country who have rightly refused to be part of the illegally accredited AIPO.¹⁵

G.R. No. 214432

Petitioners PAREB, *et al.* raise the sole ground that:

PUBLIC RESPONDENTS PRC AND PRBRES COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN ISSUING RULE 1, [SEC. 3(H)] OF THE

¹¹ *Rollo* (G.R. No. 213314), pp. 28-29; *rollo* (G.R. No. 214432), pp. 112-113.

¹² *Rollo* (G.R. No. 213314), p. 8.

¹³ *Id.* at 9.

¹⁴ *Rollo* (G.R. No. 214432), pp. 24-44.

¹⁵ *Rollo* (G.R. No. 213314), pp. 8-11.

IMPLEMENTING RULES AND REGULATIONS (IRR) OF R.A. [NO.] 9646 REQUIRING THE INTEGRATION OF NATURAL PERSONS IN THE ACCREDITED AND INTEGRATED PROFESSIONAL ORGANIZATION (AIPO) FOR REAL ESTATE SERVICE PROFESSIONS DESPITE THE FACT THAT THE SAID PROVISION OF THE IRR IS CLEARLY VOID FOR BEING AGAINST THE MANDATE OF SECTION 34 OF R.A. [NO.] 9646 DIRECTING THE INTEGRATION OF REAL ESTATE SERVICE ASSOCIATIONS.¹⁶

Petitioners manifest that they have raised continuing objections against Sec. 3(h), Rule 1 of the IRR, and moved for its correction. However, despite several consultations and discussions to thresh out the matter, no final resolution had been reached until the PRC accredited PHILRES as the official AIPO. As a result of the non-inclusion of all real estate associations in the integration process, PHILRES has attracted only 20% of the total RESPs in the country despite its repeated advisories and threats against the RESPs that their professional licenses would not be renewed.¹⁷

They also posit that the By-Laws of PHILRES contain discriminatory provisions against petitioners and all other real estate associations. For instance, Sec. 3(g), Article III of PHILRES By-Laws, provides that real estate associations can be removed anytime “for whatever reason,” while Sec. 37, par. 16, Article VIII thereof provides that the said entities cannot engage in activities (e.g. training seminars) that will compete with those conducted by PHILRES.¹⁸

Petitioners also share the view of the petitioners in G.R. No. 213314, that Sec. 34 of the RESA intended the AIPO to be a national organization of integrated real estate associations. Congressman Valencia had emphasized during the Bicameral Conference Committee proceedings that the AIPO will be similar to a “federation.” Even the Amended Articles of Incorporation of PHILRES provide that among its primary purposes is to unite and integrate all licensed and registered real estate service practitioners, as well as associations in the Philippines, into one national body. Petitioners conclude that by excluding real estate service associations, PHILRES is an illegal creation with a flawed mandate coming from a wrongfully crafted IRR of the PRBRES and the PRC.¹⁹

¹⁶ *Rollo* (G.R. No. 214432), p. 12.

¹⁷ *Id.* at 9-10.

¹⁸ *Id.*

¹⁹ *Id.* at 13-17.

Respondents' Arguments

In their Consolidated Comment,²⁰ respondents through the Office of the Solicitor General (*OSG*) argue that the present petitions are not proper remedies to assail the IRR which respondents PRC and PRBRES issued in the exercise of their quasi-legislative and administrative functions. Petitioners had also disregarded the hierarchy of courts when they filed their petitions directly before this Court.²¹

The OSG contends that the present cases essentially partake of a petition for declaratory relief by asking this Court to declare Sec. 3(h), Rule I of the IRR as illegal. To declare the assailed provision in the IRR as illegal is beyond the province of a *certiorari* which is confined only to a determination of the existence of grave abuse of discretion amounting to lack or excess of jurisdiction.²²

Even if procedural flaws were to be overlooked, the OSG argues that Sec. 3(h), Rule I of the IRR is not contrary to Sec. 34 of the RESA. As members of the AIPO, the individual RESPs will have direct responsibility to the profession and there will be no layering through the real estate associations. As such, the PRBRES and the PRC will be more effective in performing their regulatory functions over the real estate profession. The OSG emphasizes that such arrangement is consistent with the other professions being regulated by the PRC where the corresponding AIPO is comprised of individual members and not associations.²³

Issues

Based on the conflicting opinions of the parties, the Court shall resolve the following issues: 1) May the present petitions be dismissed for being an improper remedy and for violating the rule on hierarchy of courts? and 2) Does Sec. 3(h) of Resolution No. 2, Series of 2010 of the PRC and the PRBRES contravene Sec. 34 of the RESA?

²⁰ *Rollo* (G.R. No. 213314), pp. 142-159.

²¹ *Id.* at 146-151.

²² *Id.* at 151-152.

²³ *Id.* at 154-157.

The Court's Ruling

The Court denies both petitions for lack of merit.

Procedural Issues

The OSG argues that petitioners erroneously resorted to filing petitions for *certiorari* because Sec. 3(h), Rule I of the IRR which they lament as invalid, was issued by the PRC in the exercise of its quasi-legislative or rule-making powers. It insists that a petition for *certiorari* avails only against a tribunal or body in the exercise of its judicial, quasi-judicial or ministerial power.

The argument is flawed.

*Araullo v. Pres. Aquino III*²⁴ had already clarified that petitions for *certiorari* and prohibition filed before the Court are appropriate remedies to raise constitutional issues and to review and/or prohibit or nullify the acts of legislative and executive officials. These writs may be issued to set right, undo and restrain any act of grave abuse of discretion amounting to lack or excess of jurisdiction by any branch or instrumentality of the Government, even if it does not exercise judicial, quasi-judicial or ministerial functions. Thus:

The respondents' arguments and submissions on the procedural issue are bereft of merit.

Section 1, Article VIII of the 1987 Constitution expressly provides:

Section 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, *and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.*

²⁴ 737 Phil. 457 (2014).

Thus, the Constitution vests judicial power in the Court and in such lower courts as may be established by law. In creating a lower court, Congress concomitantly determines the jurisdiction of that court, and that court, upon its creation, becomes by operation of the Constitution one of the repositories of judicial power. However, only the Court is a constitutionally created court, the rest being created by Congress in its exercise of the legislative power.

The Constitution states that judicial power includes the duty of the courts of justice not only "to settle actual controversies involving rights which are legally demandable and enforceable" but also "to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government." It has thereby expanded the concept of judicial power, which up to then was confined to its traditional ambit of settling actual controversies involving rights that were legally demandable and enforceable.

x x x x

What are the remedies by which the grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government may be determined under the Constitution?

The present *Rules of Court* uses two special civil actions for determining and correcting grave abuse of discretion amounting to lack or excess of jurisdiction. These are the special civil actions for *certiorari* and prohibition, and both are governed by Rule 65. A similar remedy of *certiorari* exists under Rule 64, but the remedy is expressly applicable only to the judgments and final orders or resolutions of the Commission on Elections and the Commission on Audit.

x x x x

Although similar to prohibition in that it will lie for want or excess of jurisdiction, *certiorari* is to be distinguished from prohibition by the fact that it is a corrective remedy used for the re-examination of some action of an inferior tribunal, and is directed to the cause or proceeding in the lower court and not to the court itself, while prohibition is a preventative remedy issuing to restrain future action, and is directed to the court itself. x x x

x x x x

With respect to the Court, however, the remedies of *certiorari* and prohibition are necessarily broader in scope and reach, and the writ of *certiorari* or prohibition may be issued to correct errors of jurisdiction committed not only by a tribunal, corporation, board or officer exercising judicial, quasi-judicial or ministerial functions but also to set right, undo and restrain any act of grave abuse of discretion amounting to lack or excess of jurisdiction by any branch or instrumentality of the

Government, even if the latter does not exercise judicial, quasi-judicial or ministerial functions. This application is expressly authorized by the text of the second paragraph of Section 1, x x x.

Thus, petitions for *certiorari* and prohibition are appropriate remedies to raise constitutional issues and to review and/or prohibit or nullify the acts of legislative and executive officials.

Necessarily, in discharging its duty under Section 1, x x x, to set right and undo any act of grave abuse of discretion amounting to lack or excess of jurisdiction by any branch or instrumentality of the Government, the Court is not at all precluded from making the inquiry provided the challenge was properly brought by interested or affected parties. **The Court has been thereby entrusted expressly or by necessary implication with both the duty and the obligation of determining, in appropriate cases, the validity of any assailed legislative or executive action.** This entrustment is consistent with the republican system of checks and balances.²⁵ (citations omitted, emphases and underscoring supplied)

Accordingly, the special civil action of *certiorari* may be availed of to invoke the expanded scope of judicial power of the Court although the provisions of the Rules of Court on *certiorari* and prohibition refers to the exercise of judicial, quasi-judicial or ministerial functions by a board, tribunal or officer.²⁶

It should be emphasized, however, that while the Constitution expressly vested this Court with original jurisdiction over petitions for *certiorari*, prohibition, and *mandamus*, among others,²⁷ such power is shared with the Court of Appeals (CA) and the Regional Trial Courts (RTC).²⁸ Such concurrence of jurisdiction does not grant litigants unrestrained freedom of choice of the court where application for the writ may be filed. There is a hierarchy of courts determinative of the venue of appeals which should also serve as a general determinant of the proper forum for the application for the extraordinary writs.²⁹

In *Smart Communications, Inc. (Smart) v. National Telecommunications Commission (NTC)*,³⁰ this Court held that if what is being assailed is the validity or constitutionality of a rule or regulation issued by an administrative agency in the performance of its quasi-legislative functions, then the RTC has jurisdiction to pass upon the same. The determination of whether a

²⁵ Id. at 524-531.

²⁶ *Kilusang Mayo Uno v. Hon. Aquino III*, G.R. No. 210500, April 2, 2019, 899 SCRA 492, 515; citing *Araullo v. Aquino III*, supra note 24.

²⁷ 1987 CONSTITUTION, Art. VIII, Sec. 5, par. (1).

²⁸ *People v. Cuaresma*, 254 Phil. 418, 426-427 (1989).

²⁹ *Uy v. Judge Contreras*, 307 Phil. 176, 180 (1994).

³⁰ 456 Phil. 145 (2003).

specific rule or set of rules issued by an administrative agency contravenes the law or the Constitution is within the jurisdiction of the RTC.³¹ The doctrine of hierarchy of courts directs the parties to file their petitions for extraordinary writs before the appropriate court of lower rank. Non-compliance with this requirement is a ground for dismissal of the petition.³²

As a matter of policy, therefore, where the issuance of an extraordinary writ is also within the competence of the CA or the RTC, it is in either of these courts that the specific action for the issuance of the writ must be instituted.³³ Nevertheless, the hierarchy of courts is not an iron-clad rule. As we stressed in *The Diocese of Bacolod v. Commission on Elections*,³⁴ this Court has “full discretionary power to take cognizance [of] and assume jurisdiction [over] special civil actions for *certiorari* x x x filed directly with it for exceptionally compelling reasons or if warranted by the nature of the issues clearly and specifically raised in the petition,” such as when what is raised is a pure question of law.³⁵

In the recent case of *Gios-Samar, Inc. v. Department of Transportation and Communications*,³⁶ We clarified that the existence of “special and important reasons” is not the decisive factor in deciding whether to grant the plea for this Court’s exercise of its original jurisdiction, at the first instance, over the issuance of extraordinary writs. It is rather the *nature* of the question raised by the parties in those exceptions that will enable us to allow a direct action. Further, We declared that strict observance of the doctrine of hierarchy of courts serves the purpose of effectively filtering the cases that reach the Court, which should not only meet the requisites of judicial review but also should not involve factual questions indispensable to resolving the legal issue presented. Thus:

The doctrine of hierarchy of courts operates to: (1) prevent inordinate demands upon the Court’s time and attention which are better devoted to those matters within its exclusive jurisdiction; (2) prevent further overcrowding of the Court’s docket; and (3) prevent the inevitable and resultant delay, intended or otherwise, in the adjudication of cases which often have to be remanded or referred to the lower court as the proper forum under the rules of procedure, or as the court better

³¹ *The Chairman and Executive Director, Palawan Council for Sustainable Development v. Lim*, 793 Phil. 690, 699-700 (2016).

³² *Gios-Samar, Inc. v. Department of Transportation and Communications*, G.R. No. 217158, March 12, 2019; citing *Heirs of Bertuldo Hinog v. Hon. Melicor*, 495 Phil. 422, 433 (2005).

³³ *Vergara, Sr. v. Judge Suelto*, 240 Phil. 719, 733 (1987); cited in *Gios-Samar, Inc. v. Department of Transportation and Communications*, supra.

³⁴ 751 Phil. 301 (2015).

³⁵ *Aala v. Uy*, 803 Phil. 36, 57 (2017); citing *Spouses Chua v. Ang*, 614 Phil. 416, 426-427 (2009).

³⁶ Supra note 32.

equipped to resolve factual questions.

x x x x

x x x Considering the immense backlog facing the court, this begs the question: *What is really the Court's work? What sort of cases deserves the Court's attention and time?*

We restate the words of Justice Jose P. Laurel in *Angara* that the Supreme Court is the final arbiter of the Constitution. Hence, direct recourse to us should be allowed only when the issue involved is one of law. However, and as former Associate Justice Vicente V. Mendoza reminds, the Court may still choose to avoid passing upon constitutional questions which are confessedly within its jurisdiction if there is some other ground on which its decision may be based. The so-called "seven pillars of limitations of judicial review" or the "rules of avoidance" enunciated by US Supreme Court Justice Brandeis in his concurring opinion in *Ashwander v. Tennessee Valley Authority* teaches that:

1. The Court will not pass upon the constitutionality of legislation in a friendly, non-adversary proceeding, declining because to decide such questions "is legitimate only in the last resort, and as a necessity in the determination of real, earnest and vital controversy between individuals. It never was the thought that, by means of a friendly suit, a party beaten in the legislature could transfer to the courts an inquiry as to the constitutionality of the legislative act."
2. The Court will not "anticipate a question of constitutional law in advance of the necessity of deciding it." "It is not the habit of the Court to decide questions of a constitutional nature unless absolutely necessary to a decision of the case."
3. The Court will not "formulate a rule of constitutional law broader than is required by the precise facts to which it is to be applied."
4. The Court will not pass upon a constitutional question, although properly presented by the record, if there is also present some other ground upon which the case may be disposed of. This rule has found most varied application. Thus, if a case can be decided on either of two grounds, one involving a constitutional question, the other a question of statutory construction or general law, the Court will decide only the latter. Appeals from the highest court of a state challenging its decision of a question under the Federal Constitution are frequently dismissed because the judgment can be sustained on an

independent state ground.

5. The Court will not pass upon the validity of a statute upon complaint of one who fails to show that he is injured by its operation. Among the many applications of this rule, none is more striking than the denial of the right of challenge to one who lacks a personal or property right. Thus, the challenge by a public official interested only in the performance of his official duty will not be entertained. In *Fairchild v. Hughes*, the Court affirmed the dismissal of a suit brought by a citizen who sought to have the Nineteenth Amendment declared unconstitutional. In *Massachusetts v. Mellon*, the challenge of the federal Maternity Act was not entertained although made by the Commonwealth on behalf of all its citizens.
6. The Court will not pass upon the constitutionality of a statute at the instance of one who has availed himself of its benefits.
7. "When the validity of an act of the Congress is drawn in question, and even if a serious doubt of constitutionality is raised, it is a cardinal principle that this Court will first ascertain whether a construction of the statute is fairly possible by which the question maybe avoided."
x x x

Meanwhile, in *Francisco, Jr. v. Nagmamalasakit na mga Manananggol ng mga Manggagawang Pilipino, Inc.*, the Court summarized the foregoing "pillars" into six categories and adopted "parallel guidelines" in the exercise of its power of judicial review, to wit:

The foregoing "pillars" of limitation of judicial review, summarized in *Ashwander v. Tennessee Valley Authority* from different decisions of the United States Supreme Court, can be encapsulated into the following categories:

1. that there be absolute necessity of deciding a case
 2. that rules of constitutional law shall be formulated only as required by the facts of the case
 3. that judgment may not be sustained on some other ground
 4. that there be actual injury sustained by the party by reason of the operation of the statute
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5. that the parties are not in *estoppel*
6. that the Court upholds the presumption of constitutionality.

As stated previously, parallel guidelines have been adopted by this Court in the exercise of judicial review:

1. actual case or controversy calling for the exercise of judicial power;
2. the person challenging the act must have “standing” to challenge; he must have a personal and substantial interest in the case such that he has sustained, or will sustain, direct injury as a result of its enforcement;
3. the question of constitutionality must be raised at the earliest possible opportunity;
4. the issue of constitutionality must be the very *lis mota* of the case. x x x

Thus, the exercise of our power of judicial review is subject to these four requisites and the further requirement that we can only resolve pure questions of law. These limitations, when properly and strictly observed, should aid in the decongestion of the Court’s workload.

To end, while reflective deliberation is necessary in the judicial process, there is simply no ample time for it given this Court’s massive caseload. In fact, we are not unaware of the proposals to radically reform the judicial structure in an attempt to relieve the Court of its backlog of cases. Such proposals are, perhaps, borne out of the public’s frustration over the slow pace of decision-making. With respect, however, no overhaul would be necessary if this Court commits to be more judicious with the exercise of its original jurisdiction by strictly implementing the doctrine of hierarchy of courts.

Accordingly, for the guidance of the bench and the bar, we reiterate that when a question before the Court involves determination of a factual issue indispensable to the resolution of the legal issue, the Court will refuse to resolve the question regardless of the allegation or invocation of compelling reasons, such as the transcendental or paramount importance of the case. Such question must first be brought before the proper trial courts or the CA, both of which are specially equipped to try and resolve factual questions. (citations omitted, additional emphases supplied)

The question of whether or not Sec. 3(h), Rule I of the IRR contravenes the RESA is indisputably one of law. Considering that all the requisites of

judicial review are present in this case, there being no dispute as to the facts, and the subject IRR having a nationwide scope and affecting public interest, the Court deems it proper to resolve the petitions rather than dismiss them based on pure technical grounds.

Sec. 3(h), Rule I of the IRR is valid

Petitioners similarly argue that Sec. 3(h), Rule I of the IRR contravenes Sec. 34 of the RESA because an AIPO should be an integration of all existing real estate associations, as explained by the main author of the law, former Congressman Valencia. The OSG however counters that there is nothing contradictory with Sec. 3(h), Rule I of the IRR and Sec. 34 of the RESA, considering that one of the purposes of the RESA of regulating the RESPs will be better served if the AIPO will be comprised of individual practitioners.

We agree with the OSG.

The RESA aims to professionalize the ranks of RESPs by increasing their competence and raising ethical standards.³⁷ It is the declared policy of the law to “develop and nurture through proper and effective regulation and supervision a corps of technically competent, responsible, and respected professional real estate service practitioners whose standards of practice and service shall be globally competitive and will promote the growth of the real estate [service] industry.”³⁸

Prior to the enactment of R.A. No. 8981, otherwise known as the “PRC Modernization Act of 2000,” and by virtue of the provisions of Art. IX of the “Rules and Regulations Governing the Regulation and Practice of Professionals,” as amended, which was subsequently repealed by R.A. No. 8981, the PRC has accredited professional organizations (*APOs*) and issued thereto Certificates of Accreditation.³⁹ On January 29, 2004, the PRC issued Resolution No. 2004-178, Series of 2004 entitled “Rules Governing the Status of the Present Accredited Professional Organizations (*APOS*), Accreditation of New/Future Professional Organizations, the Renewal of the Certificates of Accreditation, and Their Cancellation/Suspension.” Rule 2 of said resolution laid down the requirements for accreditation as APO:

³⁷ *Remman Enterprises, Inc. v. Professional Regulatory Board of Real Estate Service*, supra note 1 at 122.

³⁸ Sec. 2, R.A. No. 9646.

³⁹ Fourth Whereas clause of PRC Resolution No. 2004-178, Series of 2004, entitled “Rules Governing the Status of the Present Accredited Professional Organizations (*APOs*), Accreditation of New/Future Professional Organizations, the Renewal of the Certificates of Accreditation, and Their Cancellation/Suspension.”

Rule 2. Accreditation of Professional Organization and Issuance of the Certificate of Accreditation. In order to be accredited by the Professional Regulation Commission, a professional organization must meet the following requirements:

1. It is established for the benefit and welfare of the professionals of one discipline, the advancement of their profession, and the attainment of other professional ends.
2. Its membership is open to all registered professionals of the same discipline without discrimination, provided that those engaged in kindred trades or occupations may be admitted as associate members or any other kind of membership as provided in their By-laws.
3. It is representative of the profession to which it seeks accreditation, *i.e.*, the membership shall include more than 50% of the registered professionals who have been issued their current professional identification cards. *However, if the professional organization is an integrated national organization of professionals pursuant to a professional regulatory law, this requirement is not applicable thereto.*
4. It is a duly registered non-stock corporation or association by Securities and Exchange Commission (SEC) with registered professionals belonging to one discipline to which it seeks accreditation.
5. It has paid the prescribed accreditation fee.

Although the above issuance has been superseded by the Revised Rules on the Accreditation of Professional Organizations and Integrated Professional Organizations (PRC Resolution No. 1089, Series of 2018), We note the mention of “integrated national organization of professionals” which is found in most Professional Regulatory Laws (*PRLs*), and distinct from an accredited professional organization (*APO*). The following *PRLs* enacted prior to and subsequent to the RESA contain a common provision on their respective AIPOs:

LAW	PROVISION ON AIPO
R.A. No. 7920 (New Electrical Engineering Law)	SEC. 25. <i>Integration of the Electrical Engineering Professions.</i> – The electrical engineering professions shall be integrated into one national organization which shall be recognized by the Board as the one and only integrated and accredited association of professional

<p>Approved on February 24, 1995</p>	<p>electrical engineers, registered electrical engineers and registered master electricians. Every professional electrical engineer, registered electrical engineer and registered master electrician upon registration with the Board as such, shall <i>ipso facto</i>, become a member of the integrated national organization. Those who have been registered with the Board but are not members of the said organization at the time of the effectivity of this Act, shall be allowed to register as members of the said integrated organization within three (3) years after the effectivity of this Act. Membership in the integrated organization shall not be a bar to membership in the other associations of the electrical engineering profession.</p>
<p>R.A. No. 8050 (Revised Optometry Law of 1995)</p> <p>Approved on June 7, 1995</p>	<p>SEC. 36. <i>Integration of Optometrists.</i> – In order for every optometrist to contribute to his profession and to bear his share of professional responsibilities, all optometrists shall be encouraged to join and be integrated into one national organization which shall be recognized by the Board and the PRC. Every optometrist, upon registration with the Board, may become a member of the integrated national organization. Those who have been registered with the Board before the effectivity of this Act may register as members of the integrated organization within three (3) years after said effectivity.</p> <p>SEC. 37. <i>Purposes.</i> – The integrated national organization of optometrists shall promulgate the Code of Ethics for the practice of the profession, define the professional responsibilities of its members, ensure adherence to said professional ethics and responsibilities, improve the standards of the profession and enable all optometrists to discharge their public responsibility more effectively.</p> <p>x x x x</p> <p>SEC. 39. <i>Other Organizations.</i> – The integration of optometrists into one national organization shall not prohibit the creation of other associations of optometrists organized by individual optometrists themselves.</p>
<p>R.A. No. 8495 (Philippine Mechanical Engineering Act of 1998)</p> <p>Approved on February 12, 1998</p>	<p>SEC. 23. <i>Integration and Accreditation of Mechanical Engineers.</i> – An integrated organization of mechanical engineers shall be created and accredited by the Board of Mechanical Engineering and the Professional Regulation Commission. All persons whose names now appear in the roll of professional mechanical engineers, mechanical engineers, and certified plant mechanics under the custody of the Board and the Commission, or those who may hereafter be included therein upon registration and payment of the required fees shall automatically become</p>

	<p>members of the integrated and accredited organization of mechanical engineers.</p> <p>The integration of the mechanical engineering professional shall not be a bar to the formation of voluntary organization of mechanical engineers which may coexist with the integrated and accredited organization of mechanical engineers and other affiliated organization of mechanical engineers. The Board, subject to the approval by the Commission and after consultation with the existing accredited organization of mechanical engineers and other affiliated organization of mechanical engineers and, if possible with the substantial number of the mechanical engineers who are non organization members, shall provide the guidelines and mechanisms for the establishment and creation, continued supervision of the integrated and accredited organization of mechanical engineers. The registered and licensed engineers and certified plant mechanics shall receive the benefits and privileges appurtenant to their membership in duly integrated and accredited mechanical engineering association only upon payment of the required fees and dues.</p>
<p>R.A. No. 8559 (Philippine Agricultural Engineering Act of 1998)</p> <p>Approved on February 26, 1998</p>	<p>SEC. 26. <i>Integration of Agricultural Engineers.</i> – The agricultural engineering profession shall be integrated into one (1) national organization which shall be recognized by the Board and by the Commission as the one and only integrated and accredited association of agricultural engineers. An agricultural engineer duly registered with the Board shall automatically become a member of the integrated and accredited association of agricultural engineers, and shall receive the benefits and privileges appurtenant thereto upon payment of the required fees and dues. Membership in the integrated and accredited association shall not be a bar to membership in other associations of agricultural engineers.</p>
<p>R.A. No. 8560 (Philippine Geodetic Engineering Act of 1998)</p> <p>Approved on February 26, 1998</p>	<p>SEC. 25. <i>Integration of the Geodetic Engineering Profession.</i> – The Geodetic Engineering profession shall be integrated into one (1) national organization which shall be recognized by the Board and by the Commission as the one and only integrated and accredited Association of Professional Geodetic Engineers.</p> <p>Upon registration with the Board, every professional Geodetic Engineer shall automatically become a member of the integrated and accredited national organization and shall receive the benefits and privileges appurtenant thereto. Those who have been registered with the Board but not members of the said integrated and accredited organization at the time of the effectivity of this Act, shall</p>

	<p>be allowed to register as members of the said organization within three (3) years after the effectivity of this Act. Membership in the integrated and accredited organization shall not be a bar to membership in other associations of the Geodetic Engineering profession.</p>
<p>R.A. No. 9246 (The Philippine Librarianship Act of 2003) Approved on February 19, 2004</p>	<p>SEC. 30. <i>Integrated and Accredited National Organization of Librarians.</i> – All registered librarians shall be integrated under a single organization recognized and accredited by the Board and approved by the Commission.</p> <p>A librarian duly registered and licensed by the Board and the Commission shall automatically become a member of the integrated and accredited professional organization and shall receive the benefits and privileges appurtenant thereto upon payment of the required fees and dues. Membership in the integrated and accredited professional organization shall not be a bar to membership in any other association of librarians.</p>
<p>R.A. No. 9266 (The Architecture Act of 2004) Approved on March 17, 2004</p>	<p>SEC. 40. <i>Integration of the Architecture Profession.</i> – The Architecture profession shall be integrated into one (1) national organization which shall be accredited by the Board, subject to the approval by the Commission, as the integrated and accredited professional organization of architects: <i>Provided, however,</i> That such an organization shall be registered with the Securities and Exchange Commission, as a non-profit, non-stock corporation to be governed by by-laws providing for a democratic election of its officials. An architect duly registered with the Board shall automatically become a member of the integrated and accredited professional organization of architects and shall receive the benefits and privileges provided for in this Act upon payment of the required fees and dues. Membership in the integrated and accredited professional organization of architects shall not be a bar to membership in other associations of architects.</p>
<p>R.A. No. 9280 (Customs Brokers Act of 2004) Approved on March 30, 2004</p>	<p>SEC. 31. <i>Accredited Professional Organization.</i> – All professional customs brokers shall have one national organization, which shall be recognized by the Board and by the Commission as the one and only accredited professional organization of customs brokers. A professional customs broker duly registered with the Board shall automatically become a member of the accredited professional organization of customs brokers and shall receive the benefits and privileges appurtenant thereto. Membership in the accredited professional organization of customs brokers shall not be a bar to membership in other associations of customs brokers.</p>
<p>R.A. No. 9292 (Electronics Engineering</p>	<p>SEC. 32. <i>Integrated and Accredited Professional Organization.</i> – There shall be one (1) integrated and Accredited Professional Organization of Professional</p>

<p>Law of 2004)</p> <p>Approved on April 17, 2004</p>	<p>Electronics Engineers, Electronics Engineers and Electronics Technicians in the country, which shall be registered with the Securities and Exchange Commission as a non-stock, non-profit corporation and recognized by the Board, the Commission and all government agencies as the one and only integrated and accredited national organization for the said professionals. Every Professional Electronics Engineer, Electronics Engineer and Electronics Technician, upon registration with the Commission as such, shall <i>ipso facto</i> become a member of this Accredited Professional Organization. Those who have been previously registered by the Board but are not members of this Accredited Professional Organization at the time of effectivity of this Act, shall be allowed to register as members of this organization within three (3) years after the effectivity of this Act. Membership in this Accredited Professional Organization shall not be a bar to membership in other associations of the electronics engineering and electronics technician professions.</p>
<p>R.A. No. 9297 (Chemical Engineering Law of 2004)</p> <p>Approved on May 13, 2004</p>	<p>SEC. 33. Membership in the Integrated and Accredited Professional Organization. – There shall be an integrated national organization of chemical engineers duly accredited by the Board and the Commission. A chemical engineer duly registered with the board shall automatically become a member of the accredited organization, and shall receive the benefits appurtenant thereto upon payment of the required fees and dues. Membership in the integrated and accredited national organization shall not be a bar to membership in other associations of chemical engineers.</p>
<p>R.A. No. 9298 (Philippine Accountancy Act of 2004)</p> <p>Approved on May 13, 2004</p>	<p>SEC. 30. Accredited Professional Organization – All registered certified public accountants whose names appear in the roster of certified public accountants shall be united and integrated through their membership in a one and only registered and accredited national professional organization of registered and licensed certified public accountants, which shall be registered with the Securities and Exchange Commission as a nonprofit corporation and recognized by the Board, subject to the approval by the Commission. The members in the said integrated and accredited national professional organization shall receive benefits and privileges appurtenant thereto upon payment of a required fees and dues. Membership in the integrated organization shall not be a bar to membership in any other association of certified public accountants.</p>
<p>R.A. No. 9484 (The Philippine Dental Act of 2007)</p>	<p>SEC. 30. Integration of Dentists, Dental Hygienists and Dental Technologists. – All registered dentists, dental hygienists and dental technologists shall be integrated into one national organization which shall be recognized by the Board and accredited by the Commission as the one and</p>

<p>Approved on June 2, 2007</p>	<p>only accredited integrated association to which all dentists, dental hygienists and dental technologists shall belong. Henceforth, all dentists, dental hygienists and dental technologists to be registered with the Board shall automatically become a member of the accredited integrated professional organization upon payment of required fees and dues. Membership in the accredited and integrated national organization of dentists, dental hygienists and dental technologists shall not be a bar to membership in other associations of dentists, dental hygienists and dental technologists.</p>
<p>R.A. No. 10024 (Philippine Respiratory Therapy Act of 2009)</p> <p>Approved on March 9, 2010</p>	<p>SEC. 33. <i>Integration of Associations of Respiratory Therapists.</i> – All associations of respiratory therapists shall be integrated into one (1) and only national organization which shall be recognized by the Board, subject to the approval by the Commission, as the only accredited and integrated professional organization of registered respiratory therapists.</p> <p>A respiratory therapist duly registered by the Board and the Commission shall automatically become a member of the said organization and shall receive the benefits and privileges appurtenant thereto upon payment of required fees and dues. Membership in the accredited and integrated professional organization of respiratory therapists shall not be a bar to membership in other associations of respiratory therapists.</p>
<p>R.A. No. 10029 (Philippine Psychology Act of 2009)</p> <p>Approved on March 16, 2010</p>	<p>SEC. 31. <i>Integration of the Profession.</i> – The profession shall hereinafter be integrated by consolidating all practitioners into one (1) national organization of registered and licensed psychologists and psychometricians, which shall be recognized and accredited by the Board, subject to approval of the Commission. A psychologist or psychometrician duly registered and licensed by the Board and the Commission shall automatically become a member of said organization and shall receive the benefits and privileges, as well as be subject to all responsibilities and obligations, appurtenant thereto upon payment of the required fees and dues. Membership in the integrated organization shall not be a bar to membership in any other association of psychologists and/or psychometricians.</p>
<p>R.A. No. 10166 (Geology Profession Act of 2012)</p> <p>Approved on June 11, 2012</p>	<p>SEC. 35. <i>Integration of the Geology Profession.</i> – The geology profession shall be integrated into one (1) national professional organization of geologists that is duly registered with the Securities and Exchange Commission (SEC). The Board, subject to approval by the Commission, shall accredit the said organization as the one and only integrated and APO of geologists. All geologists whose</p>

	<p>names appear in the Registry Book of Geologists shall <i>ipso facto</i> or automatically become members thereof and shall receive all the benefits and privileges appurtenant thereto upon payment of APO membership fees and dues.</p> <p>Membership in the integrated APO shall not be a bar to membership in other geology organizations.</p>
<p>R.A. No. 10350 (Philippine Interior Design Act of 2012)</p> <p>Approved on December 17, 2012</p>	<p>SEC. 33. Integration of the Interior Designers. – The interior designers shall be integrated into one (1) national organization of interior designers that is duly registered with the SEC. The Board, subject to approval by the Commission, shall accredit the said organization as the one and only AIPO of interior designers. All interior designers whose names appear in the Registry Book of Interior Designers shall <i>ipso facto</i> or automatically become members thereof and shall receive therefrom all the benefits and privileges due to members upon payment of AIPOA membership fees and dues.</p> <p>Membership in other organizations of interior designers shall not be barred.</p>
<p>R.A. No. 10688 (Metallurgical Engineering Act of 2015)</p> <p>Approved on October 20, 2015</p>	<p>SEC. 38. Integration of the Metallurgical Engineering Professional. – The metallurgical engineering profession shall be integrated into one (1) national professional organization of metallurgical engineers that - is duly registered with the Securities and Exchange Commission (SEC). The Board, subject to approval by the Commission, shall accredit the said organization as the one and only integrated and APO of metallurgical engineers. All metallurgical engineers whose names appear in the registry book of metallurgical engineers shall <i>ipso facto</i> or automatically become members thereof and shall receive all the benefits and privileges appurtenant thereto upon payment of APO membership fees and dues.</p> <p>Membership in the integrated APO shall not be a bar to membership in other metallurgical engineering organizations.</p>
<p>R.A. No. 10690 (The Forestry Profession Act)</p> <p>Approved on October 23, 2015</p>	<p>SEC. 29. Integration of Forester Organizations. – All registered foresters and their professional organizations or groups shall be integrated into one (1) national organization of foresters that is duly registered with the SEC. The Board shall accredit, subject to the approval of the PRC, the said organization as the one and only integrated and accredited national organization of foresters. All foresters whose names appear in the Registry Book of Foresters shall <i>ipso facto</i> become members thereof and shall receive therefrom all the</p>

	benefits and privileges upon payment of APO membership fees and dues. However, membership in an affiliate organization of foresters shall not be barred.
R.A. No. 10862 (Nutrition and Dietetics Law of 2016) Approved on May 25, 2016	SEC. 36. Integration of the Nutrition and Dietetics Profession. – The nutrition and dietetics profession shall be integrated into one (1) national professional organization of nutritionist-dietitians that is duly registered with the Securities and Exchange Commission (SEC). The Board, subject to approval of the Commission, shall accredit the organization as the one and only AIPO. All nutritionist-dietitians whose names appear in the registry book of nutritionist-dietitians shall <i>ipso facto</i> become members thereof and shall receive all the benefits and privileges appurtenant thereto upon payment of AIPO membership fees and dues. Membership in the AIPO shall not be a bar to membership in other nutrition and dietetics organizations.
R.A. No. 10915 (Philippine Agricultural and Biosystems Engineering Act of 2016) ⁴⁰ Approved on July 21, 2016	SEC. 30. Integration of Agricultural and Biosystems Engineers. – The agricultural and biosystems engineering profession shall be integrated into one (1) national organization registered with the Securities and Exchange Commission which shall be recognized by the Board and the Commission as the one and only integrated and accredited association of agricultural and biosystems engineers. An agricultural and biosystem[s] engineer duly registered with the Board shall automatically become a member of the integrated and accredited association of agricultural and biosystems engineers, and shall receive the benefits and privileges appurtenant thereto upon payment of the required fees and dues. Membership in the integrated and accredited association shall not be a bar to membership in other associations of agricultural and biosystems engineers.
R.A. No. 10918 (Philippine Pharmacy Act) ⁴¹ Approved on July 21, 2016	SEC. 41. The Integrated and Accredited Professional Organization (APO) of Pharmacists. – The pharmacy profession shall be integrated into one (1) national organization registered with the Securities and Exchange Commission (SEC) which shall be recognized by the Board and the PRC as the one and only integrated and accredited professional organization of pharmacists. A pharmacist duly registered with the Board shall

⁴⁰ Lapsed into law on July 21, 2016 without the signature of the President, in accordance with Article VI, Section 27(1) of the 1987 Constitution.

⁴¹ Lapsed into law on July 21, 2016 without the signature of the President, in accordance with Article VI, Section 27(1) of the 1987 Constitution.

	<p>automatically become a member of the integrated and accredited professional organization of pharmacists, and shall receive the benefits and privileges appurtenant thereto upon payment of the required fees and dues.</p> <p>Membership in the integrated APO shall not be a bar to membership in other associations of pharmacists.</p>
<p>R.A. No. 11052 (Philippine Food Technology Act)</p> <p>Approved on June 29, 2018</p>	<p>SEC. 27. Integration of Food Technologists. – All food technologists shall be integrated into one (1) national organization, which shall be recognized by the Board and by the PRC as the one and only integrated and APO of food technologists. A food technologist duly registered with the Board shall automatically become a member of the integrated and APO of food technologists, and shall receive the benefits and privileges thereto, upon payment of the required fees and dues. Membership in the integrated and APO shall not be a bar to membership in other associations of food technologists.</p>
<p>R.A. No.11398 (Philippine Fisheries Profession Act)</p> <p>Approved on August 22, 2019</p>	<p>SEC. 36. Integration of All Fisheries Professionals. – The fisheries profession shall be integrated into one (1) national professional organization of fisheries professionals which shall be duly registered with the Securities and Exchange Commission (SEC). The Board, subject to approval by the Commission, shall accredit the said organization as the one and only AIPO of registered fisheries professionals. All fisheries professionals whose names appear in the Registry Book of Fisheries Professionals shall <i>ipso facto</i> or automatically become members thereof and shall receive all the benefits and privileges appurtenant thereto upon payment of AIPO membership fees and dues.</p> <p>Membership in the AIPO shall not be a bar to membership in other organizations of the fisheries profession.</p>

Annexed to PRC Resolution No. 2018-1089⁴² is the following list of professional organizations accredited by the PRC:

Acc. No.	Date of Accreditation	Name of Professional Organization
AIPO-001	July 15, 1975	United Architects of the Philippines (UAP)
AIPO-002	July 15, 1975	Philippine Association of Medical Technologists, Inc. (PAMET)
AIPO-003	July 15, 1975	Institute of Electronics and Communications Engineers of the Philippines, Inc. (IECEP)

⁴² Annex I.

AIPO-004	July 15, 1975	Philippine Society of Mechanical Engineers (PSME)
AIPO-005	August 13, 1975	Philippine Institute of Chemical Engineers (PIChE)
AIPO-006	August 13, 1975	Philippine Dental Association (PDA)
APO-007	August 13, 1975	Philippine Institute of Civil Engineers (PICE)
AIPO-008	August 13, 1975	Society of Naval Architects and Marine Engineers (SONAME) (Formerly: Philippine Association of Naval Architects and Marine Engineers)
APO-009	September 5, 1975	Integrated Midwives Association of the Philippines (IMAP)
APO-010	September 5, 1975	Philippine Nurses Association (PNA)
APO-011	September 18, 1975	Philippine Pharmacists Association, Inc. (PPhA) (Formerly: Philippine Pharmaceuticals Association)
APO-012	September 18, 1975	Philippine Medical Association (PMA)
AIPO-013	September 18, 1975	Geodetic Engineers of the Philippines (GEP)
APO-014	October 2, 1975	National Master Plumbers Association of the Philippines (NAMPA)
AIPO-015	October 2, 1975	Philippine Institute of Certified Public Accountants (PICPA)
AIPO-016	October 29, 1975	Institute of Integrated Electrical Engineers, Inc. (IIEE)
017	June 22, 1976	Masters and Mates Association of the Philippines (MMA) (Jurisdiction transferred to Maritime Industry Authority)
APO-018	June 22, 1976	Nutritionist-Dietitian's Association of the Philippines (NDAP) (Formerly: Dietetics Association of the Philippines)
AIPO-019	July 9, 1976	Integrated Professional Association of Optometrists, Inc. (IPAO) (Formerly: Philippine Association of Optometrists, Inc.; Samahan ng mga Optometrist sa Pilipinas)
020	July 1, 1976	Integrated Customs Brokers Association of the Philippines (ICBAP) (Accreditation cancelled per Resolution No. 177 dated September 26, 1990)
021	July 9, 1976	Philippine Contractors Association (PCA) (Accreditation cancelled. Jurisdiction transferred to Ministry of Trade and Industry)
AIPO-022	November 3, 1976	Philippine Association of Social Workers, Inc. (PASWI)
AIPO-023	November 3, 1976	Philippine Society of Agricultural Engineers (PSAE)

AIPO-024	November 3, 1976	Geological Society of the Philippines (GSP)
APO-025	November 3, 1976	Philippine Veterinary Medical Association, Inc. (PVMA)
APO-026	November 3, 1976	Philippine Society of Sanitary Engineers (PSSE)
027	May 17, 1978	Marine Engine Officers Association of the Philippines, Inc. (MEOAP) (Jurisdiction transferred to Maritime Industry Authority)
APO-028	May 18, 1978	Integrated Chemists of the Philippines (ICP)
APO-029	May 31, 1978	Philippine Physical Therapy Association, Inc. (PPTA)
APO-030	June 5, 1978	Philippine Society of Mining Engineers (Formerly: Philippine Society of Mining Metallurgical & Geological Engineers; accreditation cancelled and relinquished in favour of the Resolution No. 89 dated April 15, 1983.)
APO-031	November 4, 1981	Occupational Therapy Association of the Philippines (OTAP)
AIPO-032	- October 11, 1982	Society of Metallurgical Engineers of the Philippines (SMEP)
AIPO-033	April 30, 1984	Society of Aerospace Engineers of the Philippines (SAEP)
APO-034	March 25, 1990	Professional Criminologists Association of the Philippines (PCAP)
AIPO-035	July 15, 1991	Society of Filipino Foresters (SFF)
AIPO-036	November 13, 1991	Chamber of Customs Broker, Inc. (CCB) (Replaced the Integrated Customs Brokers Association of the Philippines whose accreditation was cancelled. See ICBAP Accreditation No. 20 above)
AIPO-037	December 5, 1991	Philippine Association of Landscape Architects (PALA)
AIPO-038	August 10, 1992	Philippine Institute of Interior Designers (PIID)
APO-039	September 29, 1992	Philippine Association of Radiologic Technologists (PART)
AIPO-040	February 11, 1993	Philippine Institute of Environmental Planners (PIEP)
AIPO-041	April 14, 1993	Philippine Librarians Association, Inc. (PLAI)
AIPO-042	January 11, 1999	Philippine Association of Agriculturists, Inc. (PAA)
AIPO-043	March 16, 2009	Philippine Guidance and Counselling Association, Inc. (PGCA)
044	March 5, 1999	Philippine Society of Fisheries (PSF) (Accreditation cancelled according to Resolution No. 807 dated Feb. 28, 2014)
APO-045	May 11, 1999	National Organization for Professional Teachers (NOPT)

		(Accredited professional organization for professional teachers)
AIPO-046	November 30, 2011	Philippine Institute of Real Estate Practitioners, Inc. (PhilRes)
APO-047	September 27, 2014	Asosasyon ng mga Propesyonal sa Pangisdaan, Inc. (APPP)
AIPO-048	September 15, 2015	Psychological Association of the Philippines, Inc. (PAP)
AIPO-049	March 4, 2016	Association of Respiratory Care Practitioners, Philippines, Inc. (ARCPP)

In all the aforecited PRLs, there is only one (1) established national organization integrating each of the regulated professions composed of individual professionals or practitioners. Automatic membership in the AIPO of all such professionals or practitioners registered with the respective professional boards is mandated, while membership in other professional associations is allowed.

On February 7, 2018, PRC issued Resolution No. 2018-1089 (Revised Rules on the Accreditation of Professional Organizations and Integrated Professional Organizations) which clarified that “the Commission and the Professional Regulatory Board, as the case may be, shall accredit only one (1) professional organization for each of the professions under its jurisdiction.” It distinguished an APO from an AIPO in Sec. 1, Rule I:

- APO - refers to the PRC Accredited Professional Organization where Membership therein by professionals is only voluntary;
- AIPO - refers to the concerned Board and PRC Accredited Integrated Professional Organization for a given profession which is specifically mandated by the provision of the PRL to integrate the professionals into one national organization and where the membership therein by professionals is automatic and mandatory.

For the duration of the 3-year effectivity (subject to renewal) of their accreditation, APOs/AIPOs enjoy certain rights and privileges, as well as vested with duties and responsibilities to help the PRC and professional boards in carrying out the objectives of their respective PRL.⁴³

Evident from the cited PRLs that the membership in AIPO pertains to natural persons with the employment of the term “professionals” or the specific title of the practitioners, regardless of whether the particular provision uses the term “integration of profession” or “integration of professionals.” To construe the phrase “accreditation and integration of real estate associations”

⁴³ Rule V, PRC Resolution No. 2018-1089.

in the title of Sec. 34 of the RESA as mandating the inclusion of associations which are juridical persons in the membership of the AIPO, would be inconsistent with similar provisions of all other PRLs.

Thus, Sec. 34 of the RESA should be read together with identical provisions of other PRLs on the establishment of an AIPO for each of the regulated professions. The PRLs pertain to the same class of persons, the different professionals under the jurisdiction of the PRC, hence these statutes are *in pari materia*:

Statutes are *in pari materia* when they relate to the same person or thing or to the same class of persons or things, or object, or cover the same specific or particular subject matter.

It is axiomatic in statutory construction that a statute must be interpreted, not only to be consistent with itself, but also to harmonize with other laws on the same subject matter, as to form a complete, coherent and intelligible system. The rule is expressed in the maxim, "*interpretare et concordare legibus est optimus interpretandi*," or every statute must be so construed and harmonized with other statutes as to form a uniform system of jurisprudence.⁴⁴

Accreditation as AIPO is granted to a professional organization that meets the qualifications set by the PRC and professional boards. Under the present revised rules, the requirements are as follows:

- a. Its Articles of Incorporation include as one of its purposes: to *integrate the professionals* of one discipline into one (1) national organization as mandated by their PRL;
- b. It promises to carry out the policies, objectives, and purposes pursuant to its mandate under the PRL;
- c. It is a duly registered non-stock and non-profit corporation or association with the SEC and duly registered with the BIR; and
- d. Its membership in a particular discipline shall be comprised of at least fifty percent plus one (50% + 1) of the registered

⁴⁴ *Philippine Economic Zone Authority v. Green Asia Construction & Development Corporation*, 675 Phil. 846, 857 (2011), citing *Honasan II v. The Panel of the Investigating Prosecutors of the Department of Justice*, 470 Phil. 659 (2004).

professionals possessing current and valid PICs.⁴⁵

The foregoing highlights the fact that the process of integrating a regulated profession as provided in the PRLs does not involve incorporating all existing professional associations to form an AIPO. Any existing professional organization possessing the qualifications and none of the disqualifications⁴⁶ set by the PRC may apply for accreditation as AIPO of their profession. Once accredited as the **AIPO**, all the registered practitioners of such profession automatically become its members.

It bears emphasis that it should be the individual professional/practitioner who must comply with the educational, training, licensing, and registration requirements imposed by law. It is these natural persons who are the primary subjects of government regulation and who will be ultimately held accountable for any breach of their professional duties and ethics. The integration of all individuals belonging to the same profession into one (1) accredited national organization is geared towards ensuring efficient coordination and discipline. Such purpose will be diluted if the AIPO will include real estate associations because of the added organizational layer that will blur the regulatory functions of the PRC and the PRBRES over the RESPs.

Apparently, the petitioners have focused on the plain meaning of integration which denotes a unification, merger or combination, without determining the context in which such term is used in the law. While ordinarily a word or term used in a statute will be given its usual and commonly understood meaning, the context in which the word or term is employed may dictate a different sense. The context in which the word is used oftentimes determines its meaning.⁴⁷

Petitioners' interpretation of the first paragraph of Sec. 34 that the **AIPO** should be an umbrella group or federation of associations composed of juridical entities and not natural persons, is inconsistent with the second paragraph which allows real estate practitioners to join other real estate associations in addition to their membership in the AIPO. The second paragraph also implies that the various associations of real estate service practitioners will continue to exist as such, and not consolidated into one federation. It is only the AIPO which shall be accredited and recognized by

⁴⁵ Rule 3, Sec. 6 of Resolution No. 1089, Series of 2018.

⁴⁶ *Honasan II v. The Panel of the Investigating Prosecutors of the Department of Justice*, supra note 44.

⁴⁷ Ruben E. Agpalo, *Statutory Construction*, 2009 Ed., p. 288, citing *U.S. v. Estapia*, 37 Phil. 17 (1917) and *Aboitiz Shipping Corp. v. City of Cebu*, 121 Phil. 425 (1965).

the PRBRES as the national organization of RESPs, and every licensed and registered practitioner, whether or not affiliated with any real estate association, becomes automatically a member. Integration, in this sense, simply means their common membership in only one national organization.

The Court also notes that during the impasse created by the conflicting interpretations by petitioner real estate associations and the **PRC**, the House of Representatives supported the latter's position by passing a Resolution, the pertinent clauses of which state:

WHEREAS, Section 31 of the law mandates that all real estate service associations shall be integrated into one (1) national organization which shall be recognized by the Board subject to the approval of the PRC as the only AIPO of real estate service practitioners;

WHEREAS, Section 3(h) of the implementing rules and regulations (IRR) of Republic Act No. 9646 defined AIPO as the national integrated organization of natural persons duly registered and licensed as real estate service practitioners that the Board, subject to approval by the PRC, shall recognize and accredit as the one and only AIPO;

WHEREAS, only a natural person can be a real estate service practitioner as defined in Section 3(g) of the RESA Law, who can meet the prerequisites for licensure examination under Section 11 of the said law;

WHEREAS, the AIPO cannot be an umbrella organization of all existing real estate service associations in view of difference[s] in personality and governing by laws which may conflict and create confusion rather than regulation by the State as declared in the policy of the RESA Law. AIPO members are duly registered and licensed real estate service practitioners by the Board while members of other real estate service associations may not even require registration and licensing by the PRC.

WHEREAS, in view of the issue on the interpretation of Section 34 of Republic Act No. 9646 *vis-a-vis* Section 3(h) of the IRR of the said law, the adoption and promulgation of the Code of Ethics and - Responsibilities for real estate service practitioners as mandated under Section 35 of the law has been unduly delayed. Now, therefore, be it

Resolved, as it is hereby resolved by the House of Representatives, To urge the Professional Regulatory Board of Real Estate Service (PRBRES), under the supervision and administrative control of the Professional Regulation Commission (PRC), to finally resolve the status of the accredited and integrated professional organization (AIPO) of real estate service practitioners in the

Philippines and to inform the House of Representatives on its compliance with Republic Act No. 9646 which mandates the AIPO to promulgate and adopt the Code of Ethics and Responsibilities.

Adopted.⁴⁸

Generally, the interpretation of an administrative government agency which is tasked to implement a statute, is accorded great respect and ordinarily controls the construction of the courts.⁴⁹ We explained the reason for this rule in *Nestle Philippines, Inc. v. Court of Appeals*,⁵⁰ thus:

We believe and so hold that the construction thus given by the SEC and the Court of Appeals to Section 6(a)(4) of the Revised Securities Act must be upheld.

In the first place, it is a principle too well established to require extensive documentation that **the construction given to a statute by an administrative agency charged with the interpretation and application of that statute is entitled to great respect and should be accorded great weight by the courts, unless such construction is clearly shown to be in sharp conflict with the governing statute or the Constitution and other laws.** As long ago as 1903, this Court said in *In re Allen* that

[t]he principle that the contemporaneous construction of a statute by the executive officers of the government, whose duty is to execute it, is entitled to great respect, and should ordinarily control the construction of the statute by the courts, is so firmly embedded in our jurisdiction that no authorities need be cited to support it.

The rationale for this rule relates not only to the emergence of the multifarious needs of a modern or modernizing society and the establishment of diverse administrative agencies for addressing and satisfying those needs; it also relates to accumulation of experience and growth of specialized capabilities by the administrative agency charged with implementing a particular statute. In *Asturias Sugar Central, Inc. v. Commissioner of Customs* the Court stressed that executive officials are presumed to have familiarized themselves with all the considerations pertinent to the meaning and purpose of the law, and to have formed an independent, conscientious and competent expert opinion thereon. **The courts give much weight to contemporaneous construction because of the respect due the government agency or officials charged with the implementation of the law, their competence, expertness, experience**

⁴⁸ *Rollo* (G.R. No. 214432), p. 256.

⁴⁹ *Energy Regulatory Board v. Court of Appeals*, (G.R. No. 113079) and *Pilipinas Shell Petroleum Corporation v. Court of Appeals*, 409 Phil. 36, 47 (2001), citing *Republic v. Sandiganbayan*, 355 Phil. 181 (1998).

⁵⁰ 280 Phil. 548 (1991).

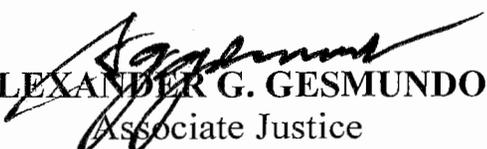
and informed judgment, and the fact that they frequently are the drafters of the law they interpret.

In the second place, and more importantly, consideration of the underlying statutory purpose of Section 6(a)(4) compels us to sustain the view taken by the SEC and the Court of Appeals. The reading by the SEC of the scope of application of Section 6(a)(4) **permits greater opportunity for the SEC to implement the statutory objective of protecting the investing public** by requiring proposed issuers of capital stock to inform such public of the true financial conditions and prospects of the corporation. x x x.⁵¹ (citations omitted, emphases supplied)

The interpretation of Sec. 34 of the RESA made by respondents PRC and PRBRES being more consistent with the policy and objectives of the law, as well as in harmony with the relevant provisions of all other PRLs being regulated by the PRC, the Court sees no difficulty in upholding the validity of Sec. 3(h), Rule I of Resolution No. 2, Series of 2010 issued by the PRC and the PRBRES.

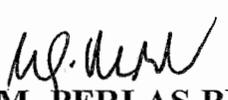
WHEREFORE, the consolidated petitions are **DISMISSED** for being unmeritorious. Petitioners shall pay the costs of suit.

SO ORDERED.


ALEXANDER G. GESMUNDO
Associate Justice

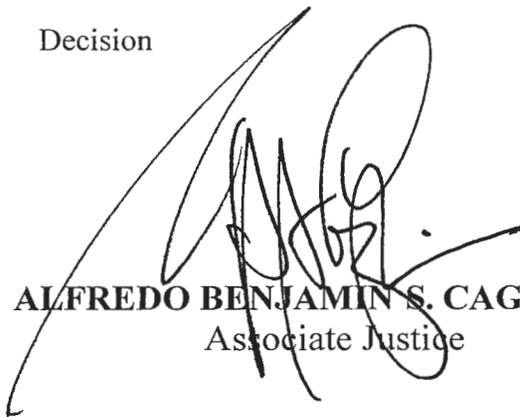
WE CONCUR:


DIOSDADO M. PERALTA
Chief Justice

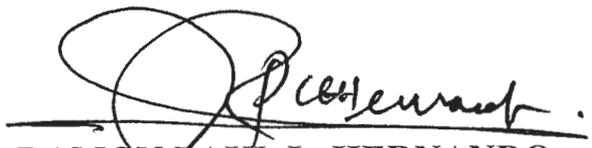

ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice

⁵¹ Id. at 556-557.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



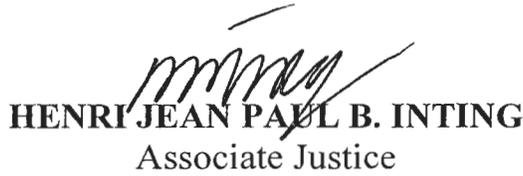
RAMON PAUL L. HERNANDO
Associate Justice



ROSMARID. CARANDANG
Associate Justice



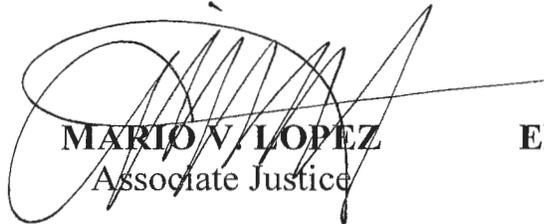
AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



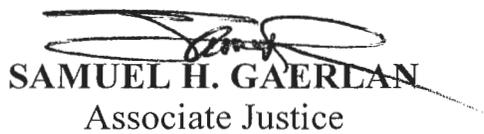
RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



EDGARDO L. DELOSSANTOS
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



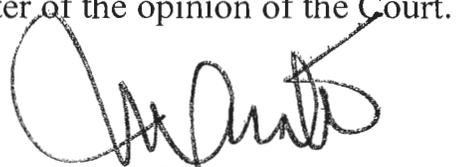
RICARDO R. ROSARIO
Associate Justice



JHOSEP V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusion in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.



DIOSDADO M. PERALTA
Chief Justice

Certified True Copy

ANNA-LI R. PAPA-GOMBIO
 Deputy Clerk of Court En Banc
 CCC En Banc, Supreme Court

