



Republic of the Philippines
Supreme Court
Manila

EN BANC

J. PAUL Q. OCTAVIANO,
Petitioner,

G.R. No. 239350

Present:

-versus-

GESMUNDO, *Chief Justice*,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,*
INTING,**
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

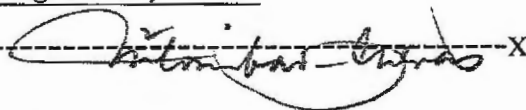
BOARD OF ARCHITECTURE OF
THE PROFESSIONAL
REGULATIONS COMMISSION,
PROFESSIONAL REGULATIONS
COMMISSION and UNITED
ARCHITECTS OF THE
PHILIPPINES,

Respondents.

Promulgated:

August 22, 2023

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DECISION

LEONEN, J.:

Resolutions issued by the administrative agencies delegated with rule-making power are valid so long it is within the confines of the granting statute, and not contrary to the Constitution.

* No part.

** On leave.



This Court resolves a Petition for Review on *Certiorari*¹ which assails the Decision² and Resolution³ of the Court of Appeals in CA-G.R. CV No. 107475, which affirmed the Decision⁴ of the Regional Trial Court of Manila City, Branch 7 in Civil Case No. 15-134604.

On March 17, 2004, Republic Act No. 9266 or the Architecture Act of 2004 was signed into law mandating the integration of the architecture profession into one integrated and accredited professional organization of architects.⁵

On May 19, 2004, United Architects of the Philippines filed before the Board of Architecture of the Professional Regulation Commission⁶ (Board) a petition for accreditation as the Integrated and Accredited Professional Organization of Architects pursuant to Section 40 of Republic Act No. 9266 and Professional Regulation Commission Resolution No. 2004-179 dated January 29, 2004.⁷

On June 23, 2004, the Board issued Resolution No. 03, Series of 2004, resolving to grant the United Architects of the Philippines' petition, which the Professional Regulation Commission subsequently approved.⁸

On April 27, 2005, the Board issued Resolution No. 02, Series of 2005, requiring registered and licensed architects to submit to the Professional Regulation Commission their valid certificates of United Architects of the Philippines' membership with their membership numbers and official receipts of payment for their annual or lifetime membership dues prior to the issuance of their Certificates of Registration and Professional Identification Cards or their renewal.⁹

On June 19, 2015, the Board issued Resolution No. 05, Series of 2015, requiring all successful examinees in the architects' licensure examinations to present the Official Receipt/Certificate of payment of membership dues issued

¹ *Rollo*, pp. 3–32.

² *Id.* at 392–430. The March 2, 2018 Decision in CA-G.R. CV No. 107475 was penned by Associate Justice Amy C. Lazaro-Javier and concurred in by Associate Justices Fernanda Lampas Peralta and Ma. Luisa C. Quijano-Padilla of the Fifth Division, Court of Appeals, Manila.

³ *Id.* at 455. The May 9, 2018 Resolution in CA-G.R. CV No. 107475 was penned by Associate Justice Amy C. Lazaro-Javier and concurred in by Associate Justices Fernanda Lampas Peralta and Ma. Luisa C. Quijano-Padilla of the Fifth Division, Court of Appeals, Manila.

⁴ *Id.* at 241–251. The August 4, 2016 Decision was penned by Acting Presiding Judge Acerey C. Pacheco. Republic Act No. 9266 (2004), The Architecture Act of 2004.

⁵ Professional Regulation Commission, *The Rules and Regulations Implementing the Provisions of Republic Act No. 9266, sec. 3(45)(b), (l), available at* https://www.prc.gov.ph/sites/default/files/Res.%2007%2C%20s%202004%20-%20Architecture%20IRR_0.pdf (last accessed October 3, 2023).

⁷ *Rollo*, p. 477.

⁸ *Id.* at 44–46.

⁹ *Id.* at 99–100.

and signed by the authorized officer of the United Architects of the Philippines prior to registration as architects.¹⁰

On August 28, 2015, J. Paul Q. Octaviano (Octaviano) filed a Petition for Declaratory Relief before the Regional Trial Court of Manila, seeking to declare as invalid, illegal, and unenforceable the following resolutions: (1) Resolution No. 03, Series of 2004; (2) Resolution No. 02, Series of 2005; and (3) Resolution No. 05, Series of 2015, for allegedly violating Republic Act No. 9266 and the equal protection clause, and for being an invalid delegation of legislative power.¹¹

On October 21, 2015, the Professional Regulation Commission, and the Board, through the Office of the Solicitor General, filed a Comment claiming that Octaviano did not possess legal interest to assail the Resolutions, that there was no justiciable controversy, and that the Resolutions complied with Republic Act No. 9266.¹²

Subsequently, the United Architects of the Philippines filed a Motion for Leave to Intervene and Admit Attached Answer/Comment-in-Intervention¹³ dated October 27, 2015 with the same arguments as the Professional Regulations Commission and the Board.

In an August 4, 2016 Decision,¹⁴ the trial court dismissed the petition for declaratory relief and upheld the validity of Resolution No. 03, Series of 2004, Resolution No. 02, Series of 2005 and Resolution No. 05, Series of 2015. It held that Octaviano failed to substantiate his allegation of arbitrariness in the issuance of Resolution No. 03, Series of 2004 and found that both Resolution No. 02, Series of 2005 and Resolution No. 05, Series of 2015 were issued based on a valid delegation of legislative powers to the Board.¹⁵ The dispositive portion of the Decision states:

WHEREFORE, from the foregoing, the petition for declaratory relief is hereby **DISMISSED**. Respondent-intervenor's counterclaim is likewise **DISMISSED**.

No pronouncement as to cost.

SO ORDERED.¹⁶

¹⁰ *Id.* at 101–102.

¹¹ *Id.* at 33–43.

¹² *Id.* at 104–130.

¹³ *Id.* at 131–152.

¹⁴ *Id.* at 241–251.

¹⁵ *Id.* at 248.

¹⁶ *Id.* at 250.



Upon appeal, the Court of Appeals, in its March 2, 2018 Decision,¹⁷ affirmed the validity and constitutionality of Resolution No. 03, Series of 2004, Resolution No. 2, Series of 2005, and Resolution No. 5, Series of 2015.¹⁸ The dispositive portion of the Decision states:


ACCORDINGLY, the appeal is **DISMISSED** and the assailed Decision dated August 4, 2016, **AFFIRMED**.

SO ORDERED.¹⁹

In finding merit in Octaviano's arguments based on procedural grounds, the Court of Appeals found that there is a justiciable controversy, which is ripe for judicial adjudication, and the Resolutions affected his right to association and to practice his profession as an architect sufficiently clothing him with *locus standi*.²⁰

However, the Court of Appeals did not agree with Octaviano on substantive grounds and affirmed the trial court decision dismissing the petition for declaratory relief.²¹ The Court of Appeals held that Resolution No. 03, Series of 2004 is valid and constitutional, considering that United Architects of the Philippines' designation as the Integrated and Accredited Professional Organization of Architects did not require it to register again with the Securities and Exchange Commission and did not violate the equal protection clause of the Constitution being the only architects' organization which applied for it.²²

The Court of Appeals also held that Resolution No. 02, Series of 2005 and Resolution No. 05, Series of 2015 validly required new and practicing architects to pay membership fees to United Architects of the Philippines as precondition for the issuance of their Certificates of Registration and Professional Identification Cards.²³ It found that the vested rights of architects under the law is subject to future requirements, which include membership in the Integrated and Accredited Professional Organization of Architects and payment of required fees and dues.²⁴ The Court of Appeals thus ruled that the compulsory membership of all architects in the United Architects of the Philippines, being the Integrated and Accredited Professional Organization of Architects, is a valid curtailment of the architects' right to associate as necessitated by public welfare.²⁵



¹⁷ *Id.* at 392-430.

¹⁸ *Id.* at 38.

¹⁹ *Id.* at 429.

²⁰ *Id.* at 413-414.

²¹ *Id.* at 429.

²² *Id.* at 418, 420-421.

²³ *Id.* at 423.

²⁴ *Id.* at 424.

²⁵ *Id.* at 428.

In its May 9, 2018 Resolution,²⁶ the Court of Appeals denied the motion for reconsideration filed by Octaviano for lack of merit.

Thus, Octaviano filed the present Petition on June 6, 2018.²⁷ Pursuant to the July 23, 2018 Court Resolution,²⁸ respondents Board and the Professional Regulations Commission filed their December 19, 2018 Comment,²⁹ while United Architects of the Philippines filed its November 5, 2018 Comment.³⁰ Pursuant to the January 6, 2020 Court Resolution,³¹ petitioner filed a January 27, 2021 Reply.³²

In the present Petition, petitioner argues that the Court of Appeals far departed from the accepted and usual course of judicial proceeding when it affirmed the trial court decision dismissing the petition for declaratory relief.³³

Petitioner claims that Resolution No. 03, Series of 2004 contravenes Section 40 of the Republic Act No. 9266 mandating the creation and accreditation of a new national organization of architects, and providing the procedure for accreditation, as follows: (1) integration into one organization; (2) accreditation by the respondent Board; (3) approval by respondent Professional Regulation Commission; and (4) registration with the Securities and Exchange Commission, because respondent United Architects of the Philippines is an existing organization and it did not register with the Securities and Exchange Commission after its accreditation.³⁴ Further, petitioner argues that respondent United Architects of the Philippines' accreditation as an Integrated and Accredited Professional Organization of Architects violated the equal protection clause, for it was "handpicked" without giving other organizations the opportunity to participate or be heard in the integration process.³⁵

For lack of a valid and genuine Integrated and Accredited Professional Organization of Architects, petitioner claims that Resolution No. 02, Series of 2005 and Resolution No. 05, Series of 2015 are consequently invalidly issued, and there is lack of authority to collect membership dues and fees.³⁶

Furthermore, petitioner claims that both Resolution No. 02, Series of 2005 and Resolution No. 05, Series of 2015 were issued based on an invalid

²⁶ *Id.* at 455.

²⁷ *Id.* at 3–32.

²⁸ *Id.* at 457.

²⁹ *Id.* at 506–550.

³⁰ *Id.* at 476–503.

³¹ *Id.* at 553.

³² *Id.* at 572–576.

³³ *Id.* at 14.

³⁴ *Id.* at 15, 28.

³⁵ *Id.* at 17–18.

³⁶ *Id.* at 22–23.

delegation of legislative power.³⁷ He claims that Resolution No. 02, Series of 2005 substantially amended the law by providing additional requirements aside from just passing the licensure examination and payment of fees, which only include registration fees for newly-passed architects and renewal of the Professional Regulation Commission license.³⁸ Furthermore, petitioner claims that Resolution No. 05, Series of 2015 restricted an architect's vested right to registration or automatic registration, as it imposed additional requirements before one could register, such as presentation of the official receipt/certificate of payment of membership dues.³⁹ In addition, petitioner claims that the Court of Appeals erred in not considering the Congress deliberations in its ruling.⁴⁰

On the other hand, respondent United Architects of the Philippines claims that the Court of Appeals aptly upheld the validity and legality of its accreditation as an Integrated and Accredited Professional Organization of Architects.⁴¹ It argues that petitioner's alleged step-by-step procedure for accreditation has no basis in Section 40 of Republic Act No. 9266 and is contrary to common sense and logic.⁴² It claims that the integration of the profession in one national organization occurs upon the grant of accreditation as an Integrated and Accredited Professional Organization, the registration with the Securities and Exchange Commission is a precondition before accreditation, and there is no requirement of creation of a new organization, since even Integrated and Accredited Professional Organization of other professions had been in existence when their integration was mandated by law.⁴³

Furthermore, respondent United Architects of the Philippines argues that Octaviano failed to rebut with strong evidence the presumption that respondents Board and Professional Regulation Commission regularly performed their official actions as the government bodies mandated to regulate the architecture profession and accredit the Integrated and Accredited Professional Organization of Architects.⁴⁴

In addition, respondent United Architects of the Philippines argues that the equal protection clause is not violated since its accreditation as the Integrated and Accredited Professional Organization of Architects was not discriminatory, unfair, or arbitrary, and that it was made after due evaluation of its credentials. Furthermore, no other association of architects filed a petition for accreditation nor complained of discrimination.⁴⁵

³⁷ *Id.* at 23.

³⁸ *Id.* at 25.

³⁹ *Id.* at 26.

⁴⁰ *Id.* at 27.

⁴¹ *Id.* at 484.

⁴² *Id.* at 486.

⁴³ *Id.* at 486-488.

⁴⁴ *Id.* at 489.

⁴⁵ *Id.* at 489-491.

Moreover, respondent United Architects of the Philippines claims that Resolution No. 02, Series of 2005 and Resolution No. 05, Series of 2015 were validly issued pursuant to the regulatory power of the State and the mandate of integration under Republic Act No. 9266.⁴⁶ It anchors its power to collect membership dues and other fees as a validly constituted Integrated and Accredited Professional Organization of Architects, and claims that the requirements under the Resolutions are necessary to carry out its mandate under Sections 18 and 26, in relation to Section 40 of Republic Act No. 9266.⁴⁷ Finally, it claims that the Petition should be denied for lack of legal basis, for failure to establish a transgression of any real prejudice or right, and for its far-reaching consequences should the Resolutions be invalidated.⁴⁸

Meanwhile, respondents Professional Regulation Commission and the Board, in their Comment,⁴⁹ allege that the petition failed to comply with the requisites for the special civil action of declaratory relief.⁵⁰ They claim that petitioner was devoid of legal interest to question the Resolutions, as he merely made sweeping charges of violation of his right to associate and practice his profession; he failed to allege the direct or substantial personal interest or immediate danger he would sustain by reason of the issuance of the Resolutions; and he failed to show how his right to associate and practice his profession would be affected by respondent United Architects of the Philippines' accreditation and the requirement of membership and payment of dues.⁵¹

Respondents Professional Regulation Commission and the Board argue that the Petition lacks justiciable controversy for failure to question the legality of the Resolutions at the earliest instance, or when they were just published in the Official Gazette.⁵² Furthermore, the Petition allegedly failed to state the parties' adverse interests or their clashing legal rights and obligations necessitating judicial adjudication or construction.⁵³ Even assuming there was a controversy, the Petition for declaratory relief allegedly failed to put an end to the controversy, since it was not filed prior to a breach of contract or statute.⁵⁴

Respondents Professional Regulation Commission and the Board further claim that petitioner failed to establish the illegality and unconstitutionality of respondent United Architects of the Philippines' accreditation as the Integrated and Accredited Professional Organization of

⁴⁶ *Id.* at 492–493.

⁴⁷ *Id.* at 493, 495, 497.

⁴⁸ *Id.* at 499.

⁴⁹ *Id.* at 506–550.

⁵⁰ *Id.* at 510.

⁵¹ *Id.* at 511, 512.

⁵² *Id.* at 516.

⁵³ *Id.* at 515.

⁵⁴ *Id.* at 516–517.

Architects, since both the trial court and the Court of Appeals found Octaviano's interpretation contrary to the plain meaning of Republic Act No. 9266.⁵⁵ They further claim that the equal protection clause of the Constitution is not violated as the alleged imputation of handpicking respondent United Architects of the Philippines to be the Integrated and Accredited Professional Organization is without basis, and they dutifully adhered to the ordained procedures of integration and accreditation.⁵⁶ Furthermore, they argue that Congress's deliberations on Republic Act No. 9266 reveal the intent to have an existing organization, such as the respondent United Architects of the Philippines to be the Integrated and Accredited Professional Organization of Architects.⁵⁷

Furthermore, they claim that Octaviano failed to prove the alleged invalid exercise of administrative rule-making power in issuing Resolution No. 02, Series of 2005 and Resolution No. 05, Series of 2015.⁵⁸ It claims to have issued the said Resolutions pursuant to its rule-making authority to effectively carry out the provisions of Republic Act No. 9266.⁵⁹ They argue that the Resolutions did not impose additional requirements not provided in the law, as Sections 25 and 40 provide as condition precedent membership with respondent United Architects of the Philippines and payment of dues prior to practice of their profession.⁶⁰ Finally, the said Resolutions allegedly enjoy the presumption of validity accorded to administrative regulations.⁶¹

In Reply, petitioner reiterates that respondents Professional Regulation Commission and the Board violated Republic Act No. 9266 upon its accreditation of respondent United Architects of the Philippines under Resolution No. 03, Series of 2004, since it failed to subsequently register as the Integrated and Accredited Professional Organization of Architects after its accreditation with the Securities and Exchange Commission.⁶²

The issues for this Court's resolution are: (1) whether the petition for declaratory relief bears the requirements of justiciability; and (2) whether Resolution No. 03, Series of 2004, Resolution No. 02, Series of 2005 and Resolution No. 05, Series of 2015 are valid and constitutional.

The Petition has no merit.

⁵⁵ *Id.* at 519–522.

⁵⁶ *Id.* at 526–527.

⁵⁷ *Id.* at 527.

⁵⁸ *Id.* at 535.

⁵⁹ *Id.* at 536.

⁶⁰ *Id.* at 538–539.

⁶¹ *Id.* at 543.

⁶² *Id.* at 573.

I

Under Rule 63 of the Rules of Court, any person, whose rights are affected by a statute, executive order or regulation, ordinance, or any other governmental regulation may, before breach or violation thereof, may bring an action for declaratory relief before the appropriate Regional Trial Court to determine any question of construction or validity arising, and for a declaration of his/her rights or duties, thereunder.⁶³ Despite a validly acquired jurisdiction, courts may refuse to declare rights or to construe instruments, based on its policy of deference, recognizing the Judiciary's role as distinct from the political roles of the Legislative and the Executive.⁶⁴

Accordingly, the following essential requisites of justiciability must be established for a declaratory relief petition to prosper: "(1) there must be a justiciable controversy between persons whose interests are adverse; (2) the party seeking the relief has a legal interest in the controversy; and (3) the issue is ripe for judicial determination."⁶⁵ This Court subsequently expounded the requisites, thus:

Declaratory relief is defined as an action by any person interested in a deed, will, contract or other written instrument, executive order or resolution, to determine any question of construction or validity arising from the instrument, executive order or regulation, or statute, and for a declaration of his rights and duties thereunder. The only issue that may be raised in such a petition is the question of construction or validity of provisions in an instrument or statute. Corollary is the general rule that such an action must be justified, as no other adequate relief or remedy is available under the circumstances.

Decisional law enumerates the requisites of an action for declaratory relief, as follows: 1) the subject matter of the controversy must be a deed, will, contract or other written instrument, statute, executive order or regulation, or ordinance; 2) the terms of said documents and the validity thereof are doubtful and require judicial construction; 3) there must have been no breach of the documents in question; 4) there must be an actual justiciable controversy or the "ripening seeds" of one between persons whose interests are adverse; 5) the issue must be ripe for judicial determination; and 6) adequate relief is not available through other means or other forms of action or proceeding.⁶⁶ (Citation omitted)

⁶³ RULES OF COURT, Rule 63, sec. 1.

⁶⁴ *Universal Robina Corporation v. Department of Trade and Industry*, G.R. No. 203353, February 14, 2023 [Per J. Leonen, *En Banc*]; *See also Zomer Development Co., Inc. v. Special Twentieth Division of the Court of Appeals*, 868 Phil. 93 (2020) [Per J. Leonen, *En Banc*].

⁶⁵ *Province of Camarines Sur v. Court of Appeals*, 616 Phil. 541, 556–557 (2009) [Per J. Chico-Nazario, Third Division]; *CJH Development Corporation v. Bureau of Internal Revenue*, 595 Phil. 1051 (2008) [Per J. Tinga, Second Division]; *Metropolitan Manila Development Authority v. Viron Transportation Co., Inc.*, 557 Phil. 121–152 (2007) [Per J. Carpio-Morales, *En Banc*]; *Tolentino v. The Board of Accountancy*, 90 Phil. 83 (1951) [Per J. Bautista Angelo, *En Banc*].

⁶⁶ *Almeda v. Bathala Marketing Industries, Inc.*, 566 Phil. 458, 466–467 (2008) [Per J. Nachura, Third Division].

Of utmost importance among the justiciability requirements is the actual justiciable controversy requirement, which exists when: (1) there are actual facts to enable courts to intelligently adjudicate the issues; or (2) there is a clear and convincing showing of a contrariety of legal rights.⁶⁷

By constitutional fiat, judicial power operates only when there is an actual case or controversy. This is embodied in Section 1, Article VIII of the 1987 Constitution which pertinently states that “[j]udicial power includes the duty of the courts of justice **to settle actual controversies involving rights which are legally demandable and enforceable**” Jurisprudence provides that an actual case or controversy is one which “involves a conflict of legal rights, an assertion of opposite legal claims, susceptible of judicial resolution as distinguished from a hypothetical or abstract difference or dispute.” In other words, “[t]here must be a **contrariety of legal rights that can be interpreted and enforced on the basis of existing law and jurisprudence.**”... Withal, courts will decline to pass upon constitutional issues through advisory opinions, bereft as they are of authority to resolve hypothetical or moot questions.⁶⁸ (Emphasis in original, citations omitted)

Closely related to the requirement of an actual case or controversy is the requirement of ripeness:

A question is ripe for adjudication when the act being challenged has had a direct adverse effect on the individual challenging it. For a case to be considered ripe for adjudication, it is a prerequisite that something had then been accomplished or performed by either branch before a court may come into the picture, and the petitioner must allege the existence of an immediate or threatened injury to itself as a result of the challenged action. He must show that he has sustained or is immediately in danger of sustaining some direct injury as a result of the act complained of.⁶⁹ (Citations omitted)

In *Metropolitan Manila Development Authority v. Viron Transportation Co., Inc.*,⁷⁰ the Court found the existence of an actual controversy when the issue is translated into a claim of right actually contested by the parties and appears to already transcend the boundaries of what is merely conjectural or anticipatory, thus:

The requirement of the presence of a justiciable controversy is satisfied when an actual controversy or the ripening seeds thereof exist between the parties, all of whom are *sui juris* and before the court, and the declaration sought will help in ending the controversy. A question becomes justiciable when it is translated into a claim of right which is actually contested.

⁶⁷ *Universal Robina Corporation v. Department of Trade and Industry*, G.R. No. 203353, February 14, 2023 [Per J. Leonen, *En Banc*].

⁶⁸ *Belgica v. Hon. Exec. Sec. Ochoa, Jr.*, 721 Phil. 416, 519–520 (2008) [Per J. Perlas-Bernabe, *En Banc*].

⁶⁹ *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain*, 589 Phil. 387, 481 (2008) [Per J. Carpio Morales, *En Banc*].

⁷⁰ 557 Phil. 121, 134–135 (2007) [Per J. Carpio Morales, *En Banc*]

In the present cases, respondents' resort to court was prompted by the issuance of the E.O. The 4th Whereas clause of the E.O. sets out in clear strokes the MMDA's plan to "decongest traffic by **eliminating** the bus terminals now located along major Metro Manila thoroughfares and providing more convenient access to the mass transport system to the commuting public through the provision of mass transport terminal facilities"

Section 2 of the E.O. thereafter lays down the immediate establishment of common bus terminals for north- and south-bound commuters. For this purpose, Section 8 directs the Department of Budget and Management to allocate funds of not more than one hundred million pesos (PHP 100,000,000) to cover the cost of the construction of the north and south terminals. And the E.O. was made effective immediately.

The MMDA's resolve to immediately implement the Project, its denials to the contrary notwithstanding, is also evident from telltale circumstances, foremost of which was the passage by the MMC of Resolution No. 03-07, Series of 2003 expressing its full support of the immediate implementation of the Project.

Notable from the 5th Whereas clause of the MMC Resolution is the plan to "remove the bus terminals located along major thoroughfares of Metro Manila and an urgent need to integrate the different transport modes." The 7th Whereas clause proceeds to mention the establishment of the North and South terminals.

As alleged in Viron's petition, a diagram of the GMA-MTS North Bus/Rail Terminal had been drawn up, and construction of the terminal is already in progress. The MMDA, in its Answer and Position Paper, in fact affirmed that the government had begun to implement the Project.

It thus appears that the issue has already transcended the boundaries of what is merely conjectural or anticipatory.

Under the circumstances, for respondents to wait for the actual issuance by the MMDA of an order for the closure of respondents' bus terminals would be foolhardy for, by then, the proper action to bring would no longer be for declaratory relief which, under Section 1, Rule 63 of the Rules of Court, must be brought before there is a breach or violation of rights.⁷¹ (Citations omitted)

In *Belgica v. Ochoa*,⁷² this Court found that there exists an actual and justiciable controversy, because the antagonistic positions of the parties on the constitutionality of the "Pork Barrel System" clearly satisfied the requirement of contrariety of legal rights.⁷³

In *Universal Robina Corporation v. Department of Trade and Industry*,⁷⁴ this Court found a clear and convincing showing of contrariety of legal rights between respondent Department of Trade and Industry, which

⁷¹ *Id.* at 135–136.

⁷² 721 Phil. 416 (2013) [Per J. Perlas-Bernabe, *En Banc*].

⁷³ *Id.* at 520.

⁷⁴ G.R. No. 203353, February 14, 2023 [Per J. Leonen, *En Banc*].

maintained its authority to determine when profiteering occurred, and petitioner, which maintained that the provision on profiteering is void for vagueness.

Similar to this is the requirement of adverse and conflicting interest illustrated in *Province of Camarines Sur v. Court of Appeals*:⁷⁵

Clearly, the interests of the City of Naga and Camarines Sur in this case are adverse. The assertion by the City of Naga of a superior right to the administrative control and management of Plaza Rizal, because said property of the public domain is within its territorial jurisdiction, is clearly antagonistic to and inconsistent with the insistence of Camarines Sur. The latter asserted in its Complaint for Declaratory Relief and/or Quieting of Title that it should maintain administrative control and management of Plaza Rizal having continuously possessed the same under a claim of ownership, even after the conversion of the Municipality of Naga into an independent component city. The City of Naga further asserted that as a result of the possession by Camarines Sur, the City of Naga could not introduce improvements on Plaza Rizal; its constituents were denied adequate use of said property, since Camarines Sur required that the latter's permission must first be sought for the use of the same; and it was still Camarines Sur that was able to continuously use Plaza Rizal for its own programs and projects. The City of Naga undoubtedly has a legal interest in the controversy, given that Plaza Rizal is undisputedly within its territorial jurisdiction. Lastly, the issue is ripe for judicial determination in that, in view of the conflicting interests of the parties to this case, litigation is inevitable, and there is no adequate relief available in any other form or proceeding.⁷⁶ (Citation omitted)

Here, petitioner questions the validity of Resolution No. 03, Series of 2004 and claims that it violates Republic Act No. 9266 and the equal protection clause. He likewise maintains that Resolution No. 02, Series of 2005 and Resolution No. 05, Series of 2015 were issued by respondents Professional Regulation Commission and the Board in excess of their delegated legislative authority. Respondents, on the other hand, assert compliance with the law and the Constitution in issuing the said Resolutions. Verily, the parties' adverse and antagonistic positions on the constitutionality and validity of the Resolutions satisfied the requirement of contrariety of legal rights, presenting to us an actual justiciable controversy.

The alleged failure to question the legality of the Resolutions at the earliest instance, or when they were just published in the Official Gazette,⁷⁷ as contended by respondents Professional Regulation Commission and the Board, deserves scant consideration. We apply our ruling in *Moldex Realty, Inc. v. Housing and Land Use Regulatory Board*⁷⁸ where we held that the failure to question the validity or constitutionality of an administrative

⁷⁵ 616 Phil. 541 (2009) [Per J. Chico-Nazario, Third Division].

⁷⁶ *Id.* at 557-558.

⁷⁷ *Rollo*, p. 516.

⁷⁸ 552 Phil. 281 (2007) [Per J. Tinga, Second Division].

regulation before is not a valid reason for refusing to allow it to be raised later, more so when Octaviano is still being obliged to comply with the resolution, as in this case, thus:

When an administrative regulation is attacked for being unconstitutional or invalid, a party may raise its unconstitutionality or invalidity on every occasion that the regulation is being enforced. For the Court to exercise its power of judicial review, the party assailing the regulation must show that the question of constitutionality has been raised at the earliest opportunity. This requisite should not be taken to mean that the question of constitutionality must be raised immediately after the execution of the state action complained of. That the question of constitutionality has not been raised before is not a valid reason for refusing to allow it to be raised later. A contrary rule would mean that a law, otherwise unconstitutional, would lapse into constitutionality by the mere failure of the proper party to promptly file a case to challenge the same.

In the instant case, petitioner has complied with the requirement that the issue of the constitutionality of the subject HUDCC Resolution must be timely raised. Petitioner had already raised the question of constitutionality in its petition filed with the Court of Appeals. The alleged injury caused to petitioner as a result of the implementation of the HUDCC Resolution is continuous in nature in that as long as the assailed resolution is effective, petitioner is obliged to pay for the electricity cost of the streetlights. For every occasion that petitioner is directed to comply with the assailed resolution, a new cause of action to question its validity accrues in favor of petitioner. Thus, the instant petition is not time-barred.⁷⁹ (Citations omitted)

Moreover, as long as the contract or statute subject matter of the action has not yet been breached, a declaratory relief petition may be filed, but once the subject matter of the action has been breached, then the appropriate ordinary civil action must be filed.⁸⁰ In *Ollada v. Central Bank*,⁸¹ petitioner filed the petition for declaratory relief on the claim that respondent's requirement "restrained the legitimate pursuit of one's trade,"⁸² but the Court dismissed the petition upon a finding of violation of petitioner's right when respondent refused to accept the financial statements he prepared, to wit:

Petitioner commenced this action as, and clearly intended it to be one for Declaratory Relief under the provisions of Rule 66 of the Rules of Court. On the question of when a special civil action of this nature would prosper, we have already held that the complaint for declaratory relief will not prosper if filed after a contract, statute or right has been breached or violated. In the present case such is precisely the situation arising from the facts alleged in the petition for declaratory relief. As vigorously claimed by petitioner himself, respondent had already invaded or violated his right and caused him injury—all these giving him a complete cause of action enforceable in an appropriate ordinary civil action or proceeding. The dismissal of the action was, therefore, proper in the light of our ruling in *De*

⁷⁹ *Id.* at 287.

⁸⁰ *City of Lapu-Lapu v. Philippine Economic Zone Authority*, 748 Phil 473, 511 (2014) [Per J. Leonen, Second Division].

⁸¹ 115 Phil. 284 (1962) [Per J. Dizon, *En Banc*].

⁸² *Id.* at 285.

Borja vs. Villadolid, and *Samson vs. Andal*, where we held that an action for declaratory relief should be filed before there has been a breach of a contract, statutes or right, and that it is sufficient to bar such action, that there had been a breach — which would constitute actionable violation. The rule is that an action for Declaratory Relief is proper only if adequate relief is not available through the means of other existing forms of action or proceeding.⁸³ (Citations omitted)

Unlike *Ollada*, here, Octaviano did not allege that any of his rights were violated by the Resolutions, but he merely claims that the Resolutions “affected each architect’s right to association, practice of his profession, etc.”⁸⁴ Respondents Professional Regulation Commission and the Board likewise failed to substantiate their allegation that the petition was not filed prior to a breach of contract or statute.

We, thus, find that Octaviano’s allegation that his right to association and practice his profession as an architect is affected by the assailed Resolutions sufficiently clothes him legal standing to file the petition.

To possess legal standing or *locus standi*, which is the “right of appearance in a court of justice on a given question,” one must show “a personal and substantial interest in the case such that [they have] sustained or will sustain direct injury as a result of the governmental act that is being challenged.”⁸⁵ The direct injury requirement assures that the party has such personal stake in the outcome of the controversy and “that concrete adverseness which sharpens the presentation of issues upon which the court depends for illumination of difficult constitutional questions.”⁸⁶

In any case, under the Rules, a petition for declaratory relief is sufficiently commenced by one “whose rights are affected” by statute, executive order or regulation, ordinance or any other governmental regulation.⁸⁷ Thus, the justiciability requirements are present in this case.

Nevertheless, the petition must be denied on substantive grounds.

II

Generally, legislative power is non-delegable.⁸⁸ However, administrative agencies are granted quasi-legislative power or the power to make rules and regulations, which is a valid delegated legislation within the

⁸³ *Id.* at 291.

⁸⁴ *Rollo*, p. 413.

⁸⁵ *The Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment*, 836 Phil. 205, 249 (2018) [Per J. Leonen, *En Banc*].

⁸⁶ *Id.*

⁸⁷ RULES OF COURT, Rule 63, sec. 1.

⁸⁸ *Pantaleon v. Metro Manila Development Authority*, 890 Phil. 453, 477 (2020) [Per J. Leonen, *En Banc*].

confines of the granting statute and the doctrines of non-delegability and separability of powers,⁸⁹ thus:

As an adjunct to the separation of powers principle, legislative power shall be exclusively exercised by the body to which the Constitution has conferred the same. In particular, Section 1, Article VI of the 1987 Constitution states that such power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives, except to the extent reserved to the people by the provision on initiative and referendum. Based on this provision, it is clear that only Congress, acting as a bicameral body, and the people, through the process of initiative and referendum, may constitutionally wield legislative power and no other. This premise embodies the principle of non-delegability of legislative power, and the only recognized exceptions thereto would be: (a) delegated legislative power to local governments which, by immemorial practice, are allowed to legislate on purely local matters; and (b) constitutionally-grafted exceptions such as the authority of the President to, by law, exercise powers necessary and proper to carry out a declared national policy in times of war or other national emergency, or fix within specified limits, and subject to such limitations and restrictions as Congress 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.

Notably, the principle of non-delegability should not be confused as a restriction to **delegate rule-making** authority to implementing agencies for the **limited purpose** of either filling up the details of the law for its enforcement (**supplementary rule-making**) or ascertaining facts to bring the law into actual operation (**contingent rule-making**). The conceptual treatment and limitations of delegated rule-making were explained in the case of *People v. Maceren* as follows:

The grant of the rule-making power to administrative agencies is a **relaxation of the principle of separation of powers** and is an exception to the nondelegation of legislative powers. Administrative regulations or “subordinate legislation” calculated to promote the public interest are necessary because of “the growing complexity of modern life, the multiplication of the subjects of governmental regulations, and the increased difficulty of administering the law.”

....

[Nevertheless, it must be emphasized that] [t]he rule-making power must be confined to details for regulating the mode or proceeding to carry into effect the law as it has been enacted. The power cannot be extended to amending or expanding the statutory requirements or to embrace matters not covered by the statute. Rules that subvert the statute cannot be sanctioned.⁹⁰ (Emphasis in the original, citations omitted)

⁸⁹ *Holy Spirit Homeowners Association, Inc. v. Sec. Defensor*, 529 Phil. 573 (2006) [Per J. Tinga, *En Banc*].

⁹⁰ *Belgica v. Ochoa*, 721 Phil. 416, 545–547 (2013) [Per J. Perlas-Bernabe, *En Banc*].

The rationale for the delegation of powers is discussed in *Eastern Shipping Lines v. Philippine Overseas Employment Administration*:⁹¹

The principle of non-delegation of powers is applicable to all the three major powers of the Government but is especially important in the case of the legislative power because of the many instances when its delegation is permitted. The occasions are rare when executive or judicial powers have to be delegated by the authorities to which they legally pertain. In the case of the legislative power, however, such occasions have become more and more frequent, if not necessary. This has led to the observation that the delegation of legislative power has become the rule and its non-delegation the exception.

The reason is the increasing complexity of the task of government and the growing inability of the legislature to cope directly with the myriad problems demanding its attention. The growth of society has ramified its activities and created peculiar and sophisticated problems that the legislature cannot be expected reasonably to comprehend. Specialization even in legislation has become necessary. To many of the problems attendant upon present-day undertakings, the legislature may not have the competence to provide the required direct and efficacious, not to say, specific solutions. These solutions may, however, be expected from its delegates, who are supposed to be experts in the particular fields assigned to them.

The reasons given above for the delegation of legislative powers in general are particularly applicable to administrative bodies. With the proliferation of specialized activities and their attendant peculiar problems, the national legislature has found it more and more necessary to entrust to administrative agencies the authority to issue rules to carry out the general provisions of the statute. This is called the “power of subordinate legislation.”

With this power, administrative bodies may implement the broad policies laid down in a statute by “filling in” the details which the Congress may not have the opportunity or competence to provide. This is effected by their promulgation of what are known as supplementary regulations, such as the implementing rules issued by the Department of Labor on the new Labor Code. These regulations have the force and effect of law.⁹²

For administrative rules and regulations to be valid, it must conform to the terms and standards prescribed by the law, carry its general policies into effect, and must not contravene the Constitution and other laws.⁹³

Here, we hold that Resolution No. 03, Series of 2004, Resolution No. 02, Series of 2005, and Resolution No. 05, Series of 2015 were validly issued pursuant to respondents Professional Regulation Commission’s and Board’s

⁹¹ 248 Phil. 762 (1988) [Per J. Cruz, First Division].

⁹² *Id.* at 772–773.

⁹³ *Pantaleon v. Metro Manila Development Authority*, 890 Phil. 453, 485 (2020) [Per J. Leonen, *En Banc*].

exercise of rule-making power and are not contrary to the Constitution or the laws.

To recognize the important role of professionals in nation-building and promote the standards of professional service and practice, which are internationally recognized and considered world-class,⁹⁴ the Professional Regulation Commission is created under Republic Act No. 8981, also known as the “PRC Modernization Act of 2000” with powers such as:

(a) To administer, implement and enforce the regulatory policies of the national government with respect to the regulation and licensing of the various professions and occupations under its jurisdiction including the enhancement and maintenance of professional and occupational standards and ethics and the enforcement of the rules and regulations relative thereto;

.....

(c) To review, revise, and approve resolutions, embodying policies promulgated by the Professional Regulatory Boards in the exercise of their powers and functions or in implementing the laws regulating their respective professions and other official actions on non-ministerial matters within their respective jurisdictions;⁹⁵

Under Section 9 of the same law, various professional regulatory boards are empowered to regulate the practice of professions within their respective jurisdictions, in accordance with pertinent professional regulatory laws.⁹⁶

Thus, Republic Act No. 9266, known as “The Architecture Act of 2004,” created the Professional Regulatory Board of Architecture, or respondent Board, with concomitant power to “[p]rescribe and adopt the rules and regulations **necessary for carrying out** the provisions of this Act”⁹⁷ subject to review and approval of the respondent Professional Regulation Commission.

Among the provisions of Republic Act No. 9266 is the mandated integration of the Architecture Profession, thus:

SEC. 40. Integration of the Architecture Profession. — 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: Provided, however, 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

⁹⁴ Republic Act No. 8981 (2000), sec. 2.

⁹⁵ Republic Act No. 8981 (2000), sec. 7(a), (c).

⁹⁶ Republic Act No. 8981 (2000), sec. 9(a).

⁹⁷ Republic Act No. 9266 (2004), sec. 7(a).

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.

Pursuant to Section 40 of Republic Act No. 9266 and its rule-making power, respondent Board issued Resolution No. 03, Series of 2004, which was subsequently approved by respondent Professional Regulation Commission, granting the petition for accreditation filed by respondent United Architects of the Philippines to be the integrated and accredited professional organization of architects.⁹⁸ “Integrated and Accredited Professional Organization” is defined as “the existing official national organization of all architects of the Philippines in which all registered Filipino architects shall be members without prejudice to membership in other voluntary professional associations.”⁹⁹

Octaviano, however, assails Resolution No. 03, Series of 2004 as contravening Section 40 of the Republic Act No. 9266, since according to him, the provision contemplates: (a) a creation and accreditation of a new national organization of architects; and (b) the procedure for accreditation, as follows: (1) integration into one organization; (2) accreditation by the respondent Board; (3) approval by respondent Professional Regulation Commission; and (4) registration with the Securities and Exchange Commission. Since respondent United Architects of the Philippines is an existing organization and it did not register with the Securities and Exchange Commission after its accreditation,¹⁰⁰ Resolution No. 03, Series of 2004 is allegedly non-compliant with the said provision of the law.

We find Octaviano’s contentions unmeritorious. There is nothing in Section 40 of Republic Act No. 9266, which mandates the creation and accreditation of a new national organization of architects, and the procedure for accreditation, as alleged by Octaviano. On the other hand, a plain reading of Section 40 reveals that it did not require a new national organization, but only “one” national organization of architects to become an integrated and accredited professional organization of architects. There is nothing in Section 40 which also provides the step-by-step procedure for accreditation, or the requirement to register as an integrated and accredited professional organization of architects with the Securities and Exchange Commission after accreditation, as petitioner insists. On the other hand, that “such an organization shall be registered with the Securities and Exchange Commission, as a non-profit, non-stock corporation,” in Section 40 connotes that the national organization of architects shall have already registered with the Securities and Exchange Commission.

⁹⁸ *Rollo*, pp. 44–46.

⁹⁹ Republic Act No. 9266 (2004), sec. 3(11).

¹⁰⁰ *Rollo*, pp. 16, 28.

This interpretation is more in accord with 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” issued by respondent Professional Regulation Commission on January 29, 2004.¹⁰¹ Section 2 of the said resolution laid down the requirements for accreditation as Accredited Professional Organizations:

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.¹⁰² (Emphasis supplied)

Section 2 of Resolution No. 2004-178 specifying the requirements for accreditation as Accredited Professional Organizations clearly provides that a professional organization must be a duly registered non-stock corporation or association by Securities and Exchange Commission to be accredited by respondent Professional Regulation Commission. Furthermore, even the Resolution No. 2004-178 lacked the alleged step-by-step procedure for accreditation. In *Yaphockun v. Professional Regulation Commission*,¹⁰³ this Court held that any existing professional organization possessing the qualifications and none of the disqualifications set by the respondent

¹⁰¹ *Yaphockun v. Professional Regulation Commission*, G.R. No. 213314, March 23, 2021 [Per J. Gesmundo, *En Banc*].

¹⁰² *Id.*

¹⁰³ *Id.*

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Professional Regulation Commission may apply for accreditation as an Integrated and Accredited Professional Organization of their profession.

Octaviano further argues that respondent United Architects of the Philippines' accreditation as an Integrated and Accredited Professional Organization of Architects violated the equal protection clause, for it was "handpicked" without giving other organizations the opportunity to participate or be heard in the integration process.¹⁰⁴

The right to equal protection of the laws enshrined in our Constitution requires that all persons, under similar circumstances and conditions, shall be treated alike in order to guard "against undue favor and individual or class privilege, as well as hostile discrimination or the oppression of inequality."¹⁰⁵ However, equal protection "was not intended to prohibit the legislature from enacting statutes that either tend to create specific classes of persons or objects, or tend to affect only these specific classes of persons or objects."¹⁰⁶ Thus:

The equal protection of the law clause is against undue favor and individual or class privilege, as well as hostile discrimination or the oppression of inequality. It is not intended to prohibit legislation, which is limited either in the object to which it is directed or by territory within which it is to operate. It does not demand absolute equality among residents; it merely requires that all persons shall be treated alike, *under like circumstances and conditions* both as to privileges conferred and liabilities enforced. The equal protection clause is not infringed by legislation which applies only to those persons falling within a specified class, if it applies alike to all persons within such class, and reasonable grounds exists for making a distinction between those who fall within such class and those who do not.¹⁰⁷ (Citations omitted)

In *Basco v. Philippine Amusement and Gaming Corporation*,¹⁰⁸ the Court upheld the constitutionality of Presidential Decree No. 1869, the charter of the Philippine Amusement and Gaming Corporation, which allowed gambling activities conducted by the Philippine Amusement and Gaming Corporation but outlawed other forms, for failure to show clear and unequivocal breach of the Constitution and to explain in the petition how the law violated the equal protection clause:

[T]ime-honored principle, deeply ingrained in our jurisprudence, that a statute is presumed to be valid. Every presumption must be indulged in

¹⁰⁴ *Rollo*, pp. 17–18.

¹⁰⁵ *Zomer Development Co. Inc. v. Special Twentieth Division of the Court of Appeals*, 868 Phil. 93, 112 (2020) [Per J. Leonen, *En Banc*] citing *Ichong v. Hernandez*, 101 Phil. 1155, 1164 (1957) [Per J. Labrador, *En Banc*].

¹⁰⁶ *Zomer Development Co. Inc. v. Special Twentieth Division of the Court of Appeals*, 868 Phil. 93, 113 (2020) [Per J. Leonen, *En Banc*].

¹⁰⁷ *Ichong v. Hernandez*, 101 Phil. 1155, 1164 (1957) [Per J. Labrador, *En Banc*].

¹⁰⁸ 274 Phil. 323 (1991) [Per J. Paras, *En Banc*].

with diffidence or timidity. Where it is clear that the legislature or the executive for that matter, has over-stepped the limits of its authority under the constitution, We should not hesitate to wield the axe and let it fall heavily, as fall it must, on the offending statute.

In *Victoriano v. Elizalde Rope Workers' Union, et al*, the Court thru Mr. Justice Zaldivar underscored the —

“ . . . thoroughly established principle which must be followed in all cases where questions of constitutionality as obtain in the instant cases are involved. All presumptions are indulged in favor of constitutionality; one who attacks a statute alleging unconstitutionality must prove its invalidity beyond a reasonable doubt; that a law may work hardship does not render it unconstitutional; that if any reasonable basis may be conceived which supports the statute, it will be upheld and the challenger must negate all possible basis; that the courts are not concerned with the wisdom, justice, policy or expediency of a statute and that a liberal interpretation of the constitution in favor of the constitutionality of legislation should be adopted.”

.....

Every law has in its favor the presumption of constitutionality. Therefore, for PD 1869 to be nullified, it must be shown that there is a clear and unequivocal breach of the Constitution, not merely a doubtful and equivocal one. In other words, the grounds for nullity must be clear and beyond reasonable doubt. (*Peralta v. Comelec, supra*) Those who petition this Court to declare a law, or parts thereof, unconstitutional must clearly establish the basis for such a declaration. Otherwise, their petition must fail. Based on the grounds raised by petitioners to challenge the constitutionality of P.D. 1869, the Court finds that petitioners have failed to overcome the presumption. The dismissal of this petition is therefore, inevitable. But as to whether P.D. 1869 remains a wise legislation considering the issues of “morality, monopoly, trend to free enterprise, privatization as well as the state principles on social justice, role of youth and educational values” being raised, is up for Congress to determine.¹⁰⁹ (Citations omitted)

In *Jumamil v. Cafe*,¹¹⁰ this Court upheld the presumed validity of the ordinances and agreements for failure of petitioner to prove his allegations of discrimination and unfair operation of the ordinances for lack of notice:

Nevertheless, petitioner failed to prove the subject ordinances and agreements to be discriminatory. Considering that he was asking this Court to nullify the acts of the local political department of Panabo, Davao del Norte, he should have clearly established that such ordinances operated unfairly against those who were not notified and who were thus not given the opportunity to make their deposits. His unsubstantiated allegation that the public was not notified did not suffice. Furthermore, there was the time-honored presumption of regularity of official duty, absent any showing to the contrary. And this is not to mention that:

¹⁰⁹ *Id.* at 334–335, 343–344.

¹¹⁰ 507 Phil. 455 (2005) [Per J. Corona, Third Division].

The policy of the courts is to avoid ruling on constitutional questions and to presume that the acts of the political departments are valid, absent a clear and unmistakable showing to the contrary. To doubt is to sustain. This presumption is based on the doctrine of separation of powers. This means that the measure had first been carefully studied by the legislative and executive departments and found to be in accord with the Constitution before it was finally enacted and approved.¹¹¹ (Citations omitted)

Similarly, in this case, Octaviano failed to substantiate his allegation of violation of the equal protection clause, as he did not show how this right was violated nor did he prove his claim that respondent United Architects of the Philippines was “handpicked” and that the other organizations of architects were not heard in the integration process.

On the other hand, the preambulatory clauses of Resolution No. 03, Series of 2004 reveal that respondents Professional Regulatory Commission and Board regularly performed their duties upon resolving to grant the petition for accreditation of respondent United Architects of the Philippines as the Integrated and Accredited Professional Organization of Architects pursuant to the mandate of integration under Republic Act No. 9266 and upon finding that its documents and papers in support of the petition are in accordance with Resolution No. 2004-178, Series of 2004, thus:

WHEREAS, the foregoing clearly indicates that the integration of the Architecture profession as mandated by Republic Act No. 9266 will be better served by the accreditation of the UAP as the Integrated and Accredited Professional Organization of Architects (IAPOA); and

WHEREAS, UAP’s documents and papers in support of the Petition thereof are in order, since they are in accordance with the PRC Res. No. 2004-178, Series of 2004 and other pertinent issuances or policies.¹¹²

Moreover, no other association of architects filed a petition for accreditation nor complained of discrimination, such that the petition for accreditation filed was even duly supported by three other organizations of architects—the Philippine Institute of Architects (PIA), the Architecture Advocacy International Foundation, Inc. (AAIF), and the Council of Consulting Architects and Planners of the Philippines (CCAPP).¹¹³

Thus, the presumption of regularity of performance of official duties¹¹⁴ was not sufficiently rebutted with evidence by Octaviano. We take judicial notice that respondents Professional Regulation Commission and Board even

¹¹¹ *Id.* at 469.

¹¹² *Rollo*, p. 45.

¹¹³ *Id.*

¹¹⁴ RULES OF COURT, Rule 131, sec. 3(m).

renewed respondent United Architects of the Philippines' accreditation as the Integrated and Accredited Professional Organization of Architects in its Resolution No. 04, Series of 2018 issued by the respondent Board on May 10, 2018, upon respondent United Architects of the Philippines' compliance with the Revised Rules on the Accreditation of Professional Organizations and Integrated Professional Organizations, or Resolution No. 1089, Series of 2018.¹¹⁵

Hence, we accord much weight and great respect to the interpretation of the government agency officials tasked to implement a statute, given their "competence, expertness, experience and informed judgment."¹¹⁶

Petitioner, nevertheless, insists that both Resolution No. 02, Series of 2005 and Resolution No. 05, Series of 2015 were issued based on an invalid delegation of legislative power.¹¹⁷ Resolution No. 02, Series of 2005 allegedly substantially amended the law by providing additional requirements aside from just passing the licensure examination and payment of fees, which only include registration fees for newly passed architects and renewal of the Professional Regulation Commission license.¹¹⁸ Furthermore, petitioner claims that Resolution No. 05, Series of 2015 restricted an architect's vested right to registration or automatic registration, as it imposed additional requirements before one could register, such as presentation of the official receipt/certificate of payment of membership dues.¹¹⁹

Since Congress expressly granted respondents Professional Regulation Commission and Board the power to issue rules and regulations to effectively carry out the provisions of Republic Act No. 9266,¹²⁰ we determine whether Resolution No. 02, Series of 2005, and Resolution No. 05, Series of 2015, were validly issued considering the completeness and sufficient standard tests.

Congress may delegate the power to make rules to implement a law and effectuate its policies, provided the delegation must satisfy the completeness and sufficient standard tests:¹²¹

Still, to validly exercise their quasi-legislative powers, administrative agencies must comply with two (2) tests: (1) the completeness test; and (2) the sufficient standard test.

The completeness test requires that the law to be implemented be "complete [and should set forth] therein the policy to be executed, carried

¹¹⁵ United Architects of the Philippines, *UAP as IAPOA*, available at <https://united-architects.org/publications/iapoa/> (last accessed October 16, 2023)

¹¹⁶ *Pantaleon v. Metro Manila Development Authority*, 890 Phil. 453, 486 (2020) [Per J. Leonen, *En Banc*].

¹¹⁷ *Rollo*, p. 23.

¹¹⁸ *Id.* at 25

¹¹⁹ *Id.*

¹²⁰ Republic Act No. 9266, sec. 7(a); Republic Act No. 8981, sec. 7(a), (c).

¹²¹ *Pantaleon v. Metro Manila Development Authority*, 890 Phil. 453, 478 (2020) [Per J. Leonen, *En Banc*].

out or implemented by the delegate.” On the other hand, the sufficient standard test requires that the law to be implemented contain “adequate guidelines . . . to map out the boundaries of the delegate’s authority[.]” “To be sufficient, the standard must specify the limits of the delegate’s authority, announce the legislative policy[,] and identify the conditions under which it is to be implemented.” Furthermore, the Administrative Code requires that administrative agencies file with the University of the Philippines Law Center the rules they adopt, which will then be effective 15 days after filing.¹²² (Citations omitted)

This is further explained in *Kilusang Mayo Uno v. Aquino III*.¹²³

Furthermore, the “delegation of legislative power to various specialized administrative agencies is allowed in the face of increasing complexity of modern life.” In *Equi-Asia Placement, Inc. v. Department of Foreign Affairs*:

Given the volume and variety of interactions involving the members of today’s society, it is doubtful if the legislature can promulgate laws dealing with the minutiae aspects of everyday life. Hence, the need to delegate to administrative bodies, as the principal agencies tasked to execute laws with respect to their specialized fields, the authority to promulgate rules and regulations to implement a given statute and effectuate its policies.

For a valid exercise of delegation, this Court enumerated the following requisites:

All that is required for the valid exercise of this power of subordinate legislation is that the regulation must be germane to the objects and purposes of the law; and that the regulation be not in contradiction to, but in conformity with, the standards prescribed by the law. Under the first test or the so-called completeness test, the law must be complete in all its terms and conditions when it leaves the legislature such that when it reaches the delegate, the only thing he will have to do is to enforce it. The second test or the sufficient standard test, mandates that there should be adequate guidelines or limitations in the law to determine the boundaries of the delegate’s authority and prevent the delegation from running riot.

Simply put, what are needed for a valid delegation are: (1) the completeness of the statute making the delegation; and (2) the presence of a sufficient standard.

To determine completeness, all of the terms and provisions of the law must leave nothing to the delegate except to implement it. “What only can be delegated is not the discretion to determine what the law shall be but the discretion to determine how the law shall be enforced.”

¹²² *Acosta v. Ochoa*, 865 Phil. 400, 458–459 (2019) [Per J. Leonen, *En Banc*].

¹²³ 850 Phil. 1168 (2019) [Per J. Leonen, *En Banc*].

More relevant here, however, is the presence of a sufficient standard under the law. Enforcement of a delegated power may only be effected in conformity with a sufficient standard, which is used “to map out the boundaries of the delegate’s authority and thus ‘prevent the delegation from running riot.’” The law must contain the limitations or guidelines to determine the scope of authority of the delegate.¹²⁴ (Citations omitted)

“Where a rule or regulation has a provision not expressly stated or contained in the statute being implemented, that provision does not necessarily contradict the statute.”¹²⁵ A legislative rule, in the nature of subordinate legislation, is designed to implement a primary legislation by providing the details thereof, or to make explicit what is general, in a regulation germane to the objects and purposes of the law, and in conformity with the standards prescribed by the law.¹²⁶ Such rules and regulations, when pursuant to the procedure or authority conferred by law, “deserve to be given weight and respect by the courts in view of the rule-making authority given to those who formulate them and their specific expertise in their respective fields.”¹²⁷

In *Acosta v. Ochoa*,¹²⁸ the Court held that the Implementing Rules and Regulations may provide charges of new fees, because the law explicitly states that “reasonable licensing fees” may be provided, thus:

Petitioner PROGUN likewise claims that the Implementing Rules and Regulations exacts numerous new fees and licenses such as sports shooters licenses, collectors licenses, license to purchase barrel and cylinder parts, among others, which are allegedly not required by law. To this, it can be said that Republic Act No. 10591 explicitly states that “reasonable licensing fees” may be provided in the Implementing Rules. Except for petitioner PROGUN’s assertion that the fees charged are numerous, there is no showing how these fees imposed were unreasonable.¹²⁹ (Citations omitted)

Here, we find that Resolution No. 02, Series of 2005, and Resolution No. 05, Series of 2015 are germane to the objects and purposes of Republic Act No. 9266 and in conformity with the standards prescribed by it; thus, satisfying the completeness and sufficient standard tests.

Resolution No. 02, Series of 2005, provides, in part:

¹²⁴ *Id.* at 1206–1207.

¹²⁵ *Holy Spirit Homeowners Association, Inc. v. Sec. Defensor*, 529 Phil. 573, 591 (2006) [Per J. Tinga, *En Banc*].

¹²⁶ *La Suerte Cigar & Cigarette Factory v. Court of Appeals*, 746 Phil. 433, 485 (2014) [Per J. Leonen, *En Banc*]; *Holy Spirit Homeowners Association, Inc. v. Sec. Defensor*, 529 Phil. 573, 589 (2006) [Per J. Tinga, *En Banc*].

¹²⁷ *La Suerte Cigar & Cigarette Factory v. Court of Appeals*, 746 Phil. 433, 484 (2014) [Per J. Leonen, *En Banc*]. (Citations omitted)

¹²⁸ 865 Phil. 400 (2019) [Per J. Leonen, *En Banc*].

¹²⁹ *Id.* at 463.

WHEREAS, there is a need to bind all registered and licensed architects who are automatic members of the IAPOA under the law and the IRR to register with the UAP as members thereof.

WHEREAS, the submission of Certificate of UAP Membership together with the Official payment receipt of the membership dues before the issuance of Certificate of Registration and Professional Identification Card or the renewal of the foregoing card will address the eventual membership with the UAP and the payment thereto of the membership dues by those registered and licensed architects who are not yet [bona fide] members at the time of the said issuance or renewal.

NOW, THEREFORE, the Board hereby resolved, as it now resolves, to require a registered and licensed architect to submit his/her valid certificate of UAP membership bearing, among others, his/her UAP membership number together with the official receipt of payment for his/her UAP membership dues (lifetime or annual), prior to issuance of the Certificate of Registration and Professional Identification Card or to the renewal of the foregoing card.

RESOLVED, FURTHER, the President, UAP furnish the PRC Registration Division a copy of the updated official registry of bona fide UAP members indicating their membership and annual or lifetime dues official receipt numbers[.]¹³⁰

On the other hand, Resolution No. 05, Series of 2015, states, in part:

WHEREAS, the United Architects of the Philippines (UAP) is the Integrated and Accredited Professional Organization of Architects (IAPOA) pursuant to Board Resolution No. 3, Series of 2004;

WHEREAS, R.A. No. 9266 otherwise known as "The Architecture Act of 2004" provides for automatic membership to the UAP (Sec. 40 on the Integration of the Architecture Profession);

WHEREAS, Board Resolution No. 02, [S]eries of 2005 requires submission of official payment receipts for membership dues as a prerequisite for issuance of Certificates of Registration and Professional Identification Cards as Architects.

NOW, THEREFORE, the Board hereby resolved, as it now resolves, to require all successful examinees in the Licensure Examinations for Architects to present the official receipt / certificate of payment of membership dues issued and signed by the authorized officer of the UAP prior to registration as Architects.

RESOLVED FURTHER that failure to present the official receipt / certificate of payment of membership dues issued and signed by the authorized officer of the UAP will be a ground for the non-issuance of the

¹³⁰ Rollo, pp. 99-100.

Certificate of Registration / Professional and Identification Card of the successful examinees in the Licensure Examination for Architects.¹³¹

Section 2 of Republic Act No. 9266 sets forth the policy and standards to guide respondents Professional Regulation Commission and Board in carrying out the provisions of Republic Act No. 9266, or “The Architecture Act of 2004,” thus:

SECTION 2. Statement of Policy. — The State recognizes the importance of architects in nation building and development. Hence, it shall develop and nurture competent, virtuous, productive and well-rounded professional architects whose standards of practice and service shall be excellent, qualitative, world-class and globally competitive through inviolable, honest, effective and credible licensure examinations and *through regulatory measures, programs and activities that foster their professional growth and development.* (Emphasis supplied)

Republic Act No. 9266, Sections 18, 25, 26 and 40 thereafter provides adequate guidelines or limitations to map out the boundaries of respondents Professional Regulation Commission’s and Board’s authority:

SECTION 18. Issuance of Certificates of Registration and Professional Identification Card. — A Certificate of Registration and Professional Identification Card shall be issued to examinees who pass the licensure examination subject to payment of fees prescribed by the Commission. The Certificate of Registration shall bear the signature of the chairperson of the Commission and the chairman and members of the Board, stamped with the official seal, indicating that the person named therein is entitled to the practice of the profession with all the privileges appurtenant thereto. The said certificate shall remain in full force and effect until withdrawn, suspended or revoked in accordance with this Act.

A Professional Identification Card bearing the registration number, date of issuance, expiry date, duly signed by the chairperson of the Commission, shall likewise be issued to every registrant who has paid the prescribed fee.

.....

SECTION 25. Registration of Architects Required. — No person shall practice architecture in this country, or engage in preparing architectural plans, specifications or preliminary data for the erection or alteration of any building located within the boundaries of this country, or use the title “Architect,” or display the word “Architect” together with another word, or display or use any title, sign, card, advertisement, or other device to indicate such person practices or offers to practice architecture, or is an architect, *unless such person shall have received from the Board a Certificate of Registration and be issued a Professional Identification Card in the manner hereinafter provided* and shall thereafter comply with the provisions of this Act.

¹³¹ *Id.* at 101.

A foreign architect or any person not authorized to practice architecture in the Philippines, who shall stay in the country and perform any of the activities mentioned in Sections 3 and 4 of this Act, or any other activity analogous thereto, in connection with the construction of any building/structure/edifice or land development project, shall be deemed engaged in the unauthorized practice of architecture.

SECTION 26. Vested Rights: Architects Registered When this Law is Passed. — All architects registered at the time this law takes effect shall automatically be registered under the provisions hereof, *subject, however, to the provisions herein set forth as to future requirements.*

Certificate of Registration held by such persons in good standing shall have the same force and effect as though issued after the passage of this Act.

....

SECTION 40. Integration of the Architecture Profession. — 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: Provided, however, [t]hat 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.* (Emphasis supplied)

To foster the professionals' growth and development, the State may regulate a profession and mandate automatic membership in an integrated and accredited professional organization.¹³² The integration of all individuals belonging to the same profession into one accredited national organization is geared towards ensuring efficient coordination and discipline.¹³³ Republic Act No. 9266, thus, mandates that an architect shall automatically become a member of the integrated and accredited professional organization of architects and shall receive the benefits and privileges provided for "*upon payment of the required fees and dues.*"¹³⁴ Licensed architects, prior to the passage of Republic Act No. 9266, are also covered by this automatic membership with a qualification: "*subject, however, to the provisions herein set forth as to future requirements.*"¹³⁵ The issuance of respondent Board of an architect's Certificate of Registration and Professional Identification Card

¹³² Republic Act No. 9266, secs. 26, 40.

¹³³ *Yaphockun v. Professional Regulation Commission*, G.R. No. 213314, March 23, 2021 [Per J. Gesmundo, *En Banc*].

¹³⁴ Republic Act No. 9266, sec. 40.

¹³⁵ Republic Act No. 9266, sec. 26.

is qualified by the terms “*subject to payment of fees prescribed by the Commission*” and “*in the manner hereinafter provided.*”¹³⁶

Thus, consistent with the standards and policy set forth in Republic Act No. 9266, respondents Professional Regulation Commission and Board validly prescribed the requirements under Resolution No. 02, Series of 2005, and Resolution No. 05, Series of 2015, such as the certificate of United Architects of the Philippines membership and proof of payment of membership dues.

In *Letter of Atty. Cecilio Y. Arevalo, Jr.*,¹³⁷ this Court ruled that payment of dues is a necessary consequence of membership in an integrated Bar program “as a regulatory measure, designed to raise funds for carrying out the noble objectives and purposes of integration.”¹³⁸

Also, to promote general welfare, the State may interfere with and regulate personal liberty, property and occupations.¹³⁹ Practice of profession is a property right, which the State may rightfully regulate with a wider scope:

A profession, trade or calling is a property right within the meaning of our constitutional guarantees. One cannot be deprived of the right to work and the right to make a living because these rights are property rights, the arbitrary and unwarranted deprivation of which normally constitutes an actionable wrong.

Nevertheless, no right is absolute, and the proper regulation of a profession, calling, business or trade has always been upheld as a legitimate subject of a valid exercise of the police power by the state particularly when their conduct affects either the execution of legitimate governmental functions, the preservation of the State, the public health and welfare and public morals. According to the maxim, *sic utere tuo ut alienum non laedas*, it must of course be within the legitimate range of legislative action to define the mode and manner in which every one may so use his own property so as not to pose injury to himself or others.

In any case, where the liberty curtailed affects at most the rights of property, the permissible scope of regulatory measures is certainly much wider. To pretend that licensing or accreditation requirements violates the due process clause is to ignore the settled practice, under the mantle of the police power, of regulating entry to the practice of various trades or professions. Professionals leaving for abroad are required to pass rigid written and practical exams before they are deemed fit to practice their trade. Seamen are required to take tests determining their seamanship. Locally, the Professional Regulation Commission has begun to require previously licensed doctors and other professionals to furnish documentary proof that they had either re-trained or had undertaken continuing education courses as a requirement for renewal of their licenses. It is not claimed that these

¹³⁶ Republic Act No. 9266, secs. 18, 25.

¹³⁷ 497 Phil. 535 (2005) [Per J. Chico-Nazario, *En Banc*].

¹³⁸ *Id.* at 541

¹³⁹ *In re Edillon, (Resolution)*, 174 Phil. 55, 63 (1978) [Per C.J. Castro, *En Banc*].

requirements pose an unwarranted deprivation of a property right under the due process clause. So long as professionals and other workers meet reasonable regulatory standards no such deprivation exists.¹⁴⁰ (Citations omitted)

Accordingly, the automatic membership in the integrated and accredited professional organization of professionals or practitioners and payment of reasonable fees are also valid regulations on the right to exercise one's profession.

There is likewise no violation of the right to association, since only automatic membership in the integrated and accredited professional organization of all such professionals or practitioners registered with the respective professional boards is mandated, while membership in other professional associations is allowed.¹⁴¹ Our ruling in *In re Edillon*¹⁴² is equally applicable:

To compel a lawyer to be a member of the Integrated Bar is not violative of his constitutional freedom to associate.

Integration does not make a lawyer a member of any group of which he is not already a member. He became a member of the Bar when he passed the Bar examinations. All that integration actually does is to provide an official national organization for the well-defined but unorganized and incohesive group of which every lawyer is already a member.

Bar integration does not compel the lawyer to associate with anyone. He is free to attend or not attend the meetings of his Integrated Bar Chapter or vote or refuse to vote in its elections as he chooses. The only compulsion to which he is subjected is the payment of annual dues. The Supreme Court, in order to further the State's legitimate interest in elevating the quality of professional legal services, may require that the cost of improving the profession in this fashion be shared by the subjects and beneficiaries of the regulatory program — the lawyers.

Assuming that the questioned provision does in a sense compel a lawyer to be a member of the Integrated Bar, such compulsion is justified as an exercise of the police power of the state.¹⁴³ (Citations omitted)

For having been issued in accordance with a validly delegated rule-making power, within the confines of Republic Act No. 9266 and not proven to be repugnant to the Constitution, Resolution No. 03, Series of 2004, Resolution No. 02, Series of 2005, and Resolution No. 05, Series of 2015 were validly issued by respondents Professional Regulation Commission and Board.

¹⁴⁰ *JMM Promotion and Management, Inc. v. Court of Appeals*, 329 Phil. 87, 99–101 (1996) [Per J. Kapunan, First Division].

¹⁴¹ *Yaphockun v. Professional Regulation Commission*, G.R. No. 213314, March 23, 2021 [Per J. Gesmundo, *En Banc*].

¹⁴² *In re Edillon, (Resolution)*, 174 Phil. 55 (1978) [Per C.J. Castro, *En Banc*].

¹⁴³ *Id.* at 65–66.

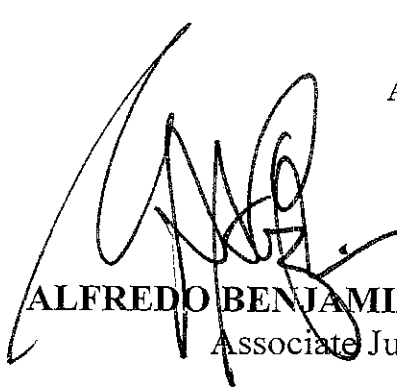
ACCORDINGLY, the Petition for Review is **DENIED**. The March 2, 2018 Decision and May 9, 2018 Resolution of the Court of Appeals in CA-G.R. CV No. 107475 are **AFFIRMED**.

SO ORDERED.

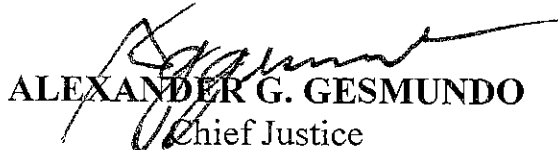


MARVIC M.V.F. LEONEN
Senior Associate Justice


WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



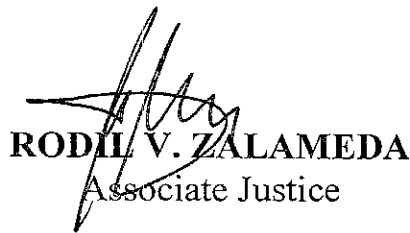
ALEXANDER G. GESMUNDO
Chief Justice



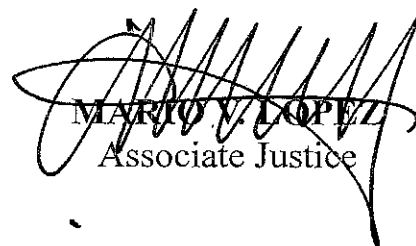
RAMON PAUL L. HERNANDO
Associate Justice

(No part)
AMY C. LAZARO-JAVIER
Associate Justice

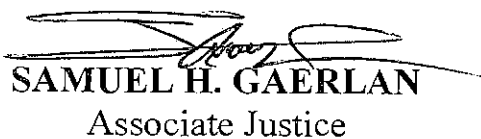
(On leave)
HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



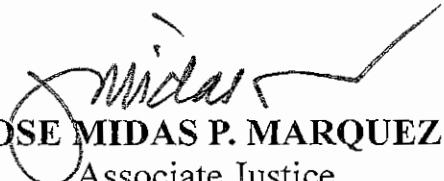
RICARDO R. ROSARIO
Associate Justice




JHOSEP Y. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

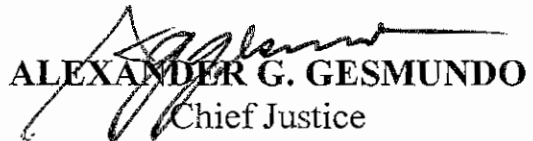

JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

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


ALEXANDER G. GESMUNDO
Chief Justice