



Republic of the Philippines
Professional Regulation Commission
Manila



PROFESSIONAL REGULATION COMMISSION
RESOLUTION NO. 1106
Series of 2018

**CLARIFICATION OF SECTION 7.5 OF RESOLUTION NO. 1032, SERIES OF 2017
OR "THE IMPLEMENTING RULES AND REGULATIONS OF REPUBLIC ACT NO.
10912, OTHERWISE KNOWN AS THE CONTINUING PROFESSIONAL
DEVELOPMENT ACT OF 2016" TO AVOID CONFLICT OF INTEREST**

WHEREAS, Section 7, Article II of Republic Act (R.A.) No. 10912 or the "Continuing Professional Development (CPD) Act of 2016", provides for the creation of CPD Council in each of the regulated profession and shall be under the supervision of the concerned Professional Regulatory Board (Board), wherein the chairperson shall be the member of the Board, the first member shall be the president or officer of the AIPO/APO duly authorized by its Board of Governors/Trustees and the second (2nd) member shall be the president or officer of the national organization of deans or department chairpersons of schools, colleges or universities offering the course requiring the licensure examination;

WHEREAS, Section 7.5, Rule II of Resolution No. 1032, Series of 2017 or "The Implementing Rules and Regulations of Republic Act No. 10912, otherwise known as the Continuing Professional Development Act of 2016", states that the CPD Council member sitting as representative of the APO/AIPO or the academe shall not participate in the deliberation where the application of the APO/AIPO or the academe as CPD provider or any of its program is under evaluation. In like manner, a CPD Council member shall inhibit from participating in the deliberations when he/she has interest in the applicant CPD provider either as the owner, officer, consultant, or a holder of any position therein, in whatever capacity or is related within the fourth civil degree of consanguinity or affinity;

WHEREAS, Section 8.2.2, Rule II of the said IRR declares that the members of the Commission as well as the chairperson, vice chairperson and members of the Boards are disqualified as an individual CPD provider, or as an incorporator, partner or officer of a Firm/Partnership/Corporation offering CPD programs during their incumbency. This prohibition extends to members of their families and relatives within the fourth civil degree of consanguinity or affinity. Further, this disqualification extends until one (1) year from their separation from service;

WHEREAS, Section 2 (14) Executive Order No. 292 or the Administrative Code of 1987, defines "officer" as the person whose duties, not being of a clerical or manual nature, involves the exercise of discretion in the performance of the functions of the government. When used with reference to a person having authority to do a particular act or perform a particular function in the exercise of government power, "officer" includes any government employee, agent or body having authority to do the act or exercise that function, thus the chairperson and members of the CPD Councils are considered officers of the Commission;

WHEREAS, Section 3 (b) of Republic Act (R.A.) No. 6713 of the "Code of Conduct and Ethical Standards for Public Officials and Employees", defines Public Officials as to include elective and appointive officials and employees, permanent or temporary, whether in the career or non-career service, including military and police personnel, whether or not they receive compensation regardless of amount;

WHEREAS, Section 3 (i) of R.A. No. 6713 states that "conflict of interest" arises when a public official or employee is a member of a board, an officer, or a substantial stockholders of a private corporation or owner or has a substantial interest in a business, and the interest of such corporation or business, or his rights or duties therein, may be opposed to or affected by the faithful performance of official duty;

WHEREAS, Section 9 of R.A. 6713 states that a public official or employee shall avoid conflicts of interest at all times. When a conflict of interest arises, he shall resign from his position in any private business enterprise within thirty (30) days from his assumption of office and/or divest himself of his shareholdings or interest within sixty (60) days from such assumption. The same rules shall apply where the public official or employee is a partner in a partnership;

WHEREAS, after consultations undertaken, the CPD Program Management Committee recommended to the Commission the clarification of Section 7.5 of Resolution No. 1032, Series of 2017;

WHEREAS, in order to avoid any perception of conflict of interest on the part of the chairperson and members of the CPD Councils with the CPD providers, there is a need to issue a Resolution to clarify Section 7.5 of Resolution No. 1032, Series of 2017 .

NOW THEREFORE, the Professional Regulation Commission hereby **RESOLVES**, as it now **RESOLVED** to issue this Resolution to clarify Section 7.5 of Resolution No. 1032, Series of 2017 or the "Implementing Rules and Regulations of Republic Act No. 10912, otherwise known as the Continuing Professional Development Act of 2016", as follows:

Section 1. In the implementation of Section 7.5 of said IRR, the following shall be considered:

1. Conflict of interest on the chairperson and members of the CPD Council arises when he/she directly or indirectly has any financial, material or pecuniary interest with the CPD provider as either the owner, officer, or a holder of any position therein, in whatever capacity or is related within the fourth (4th) civil degree of consanguinity or affinity. Hence, he/she shall be disqualified to sit as member in the Council.
2. The prohibition extends to members of their families and relatives within the fourth (4th) civil degree of consanguinity or affinity. Further, this disqualification extends until one (1) year from their separation from service.
3. When conflict of interest or perception of conflict of interest on the chairperson or members of the CPD Council arises, he/she shall resign from his/her position in any private business enterprise involved within thirty (30) days from his/her assumption of office and/or divest himself/herself of his/her shareholdings or interest within sixty (60) days from such assumption.
4. Mere inhibition during the deliberation on the application as provider or of program may still be insufficient and doubt may still linger in the minds of the public that he/she has influenced the decisions of his/her colleagues in the Council, and the perception of conflict of interest remains.

Resolution No. **1106**

Series of 2018

Clarification of Section 7.5 of Resolution No. 1032, Series of 2017

Of the "Implementing Rules and Regulations of Republic Act No. 10912,
Otherwise known as the Continuing Professional Development Act of 2016"

To Avoid Conflict of Interest

5. Affiliation of the concerned CPD Council member in the AIPO/APO, such as being an officer, member, or consultant, and in the Academic Institution as dean, faculty member or academic employee is not a ground for disqualification.

6. When the subject for evaluation is the application for accreditation of the AIPO/APO or the Academic Institution as CPD provider and of CPD programs of CPD Providers where the concerned CPD Council member is affiliated, it is sufficient for the said CPD Council member to inhibit himself/herself during the deliberation of the application.

This Resolution shall take effect immediately after approval.

Done in the City of Manila this 11th day of May, 2018.



TEOFILO S. PILANDO, JR.
Chairman



YOLANDA D. REYES
Commissioner



JOSE Y. CUETO, JR.
Commissioner

O-CH/O-OCI/O-OCII/O-ASSCOM/O-LS/O-REG/D-LRO/D-CPD
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