



Republic of the Philippines  
**Supreme Court**  
 Manila

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SUPREME COURT OF THE PHILIPPINES  
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**FLORENTINA CAOYONG  
 SOBREJUANITE-FLORES,**  
 Petitioner,

**G.R. No. 251816**

Present:

— versus —

**COMMISSIONERS TEOFILO  
 S. PILANDO, JR., YOLANDA  
 D. REYES, MIRIAM P. CUE,  
 ALEXA P. ABRENICA, AND  
 IMELDA G. VILLAR, ALL OF  
 THE PROFESSIONAL  
 REGULATION COMMISSION,**  
 Respondents.

GESMUNDO, *CJ.*,  
 PERLAS-BERNABE,  
 LEONEN,  
 CAGUIOA,  
 HERNANDO,\*  
 CARANDANG,  
 LAZARO-JAVIER,  
 INTING,  
 ZALAMEDA,  
 LOPEZ, M.,  
 GAERLAN,  
 ROSARIO,  
 LOPEZ, J.,  
 DIMAAMPAO, and  
 MARQUEZ, *JJ.*

Promulgated:

November 23, 2021

DECISION

**LOPEZ, M., J.:**

*"It's okay not to be okay."* Yet, public interest in mental health justifies the State's interference in the practice of psychology because the well-being of the Filipino people deserves no less.

\* On official leave.

*J*

The validity of an administrative regulation is the core issue in this Petition for Review on *Certiorari*<sup>1</sup> assailing the Court of Appeal's Decision<sup>2</sup> dated May 21, 2019 in CA-G.R. SP No. 150841.

### ANTECEDENTS

Republic Act No. 10029 or the Philippine Psychology Act of 2009 mandated that all applicants for registration to practice psychology must pass a licensure examination. However, Section 16 of the law exempted psychologists from the examination if they possess the following educational attainment and work experience, to wit:

**Section 16. Registration Without Examination for Psychologists.** - A person who possesses the qualifications required to take the examination for registration as a psychologist pursuant to the provisions of this Act may be registered without examination: *Provided*, That the applicant files with the Board within three (3) years after its creation an application for registration and issuance of [a] certificate of registration and professional identification card by submitting credentials satisfactory to the Board that the applicant had, on or prior to the effectivity of this Act, fulfilled the requirements under either subparagraphs (a), (b) or (c) herein:

(a) Obtained a doctoral degree in psychology and had accumulated three (3) years of work experience in the practice of psychology;

(b) Obtained a master's degree in psychology and accumulated a minimum of five (5) years of work experience in the practice of psychology;

(c) **Psychologists or employees who hold positions as psychologists** presently employed in various government or private agencies, **who have a bachelor's degree in psychology, accumulated a minimum of ten (10) years of work experience in the practice of psychology as a psychologist, and who have updated their professional education in various psychology-related functions.** (Emphases supplied.)

On November 28, 2012, the Professional Regulatory Board of Psychology (BOP) of the Professional Regulatory Commission (PRC) approved Republic Act (RA) No. 10029's Implementing Rules and Regulations (IRR) and provided the details for registration without examination,<sup>3</sup> thus:

<sup>1</sup> *Rollo*, pp. 3-14.

<sup>2</sup> *Id.* at 18-31; penned by Associate Justice Sesinando F. Villosa with the concurrence of Associate Justices Edwin D. Sorongon and Germano Francisco D. Legaspi.

<sup>3</sup> Board Resolution No. 003-12, November 28, 2012.

RULE V  
LICENSURE EXAMINATION

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**Section 16. *Registration Without Examination for Psychologists.*** - A person who possesses the qualifications required to take the licensure examination as a psychologist pursuant to the provisions of R.A. No. 10029 may be registered without examination: Provided, That the applicant files with the Board within three (3) years after its creation, or until May 21, 2015, an application for registration and issuance of a certificate of registration and a professional identification card.

To qualify, the applicant must submit credentials satisfactory to the Board that on or prior to June 2, 2010, the effectivity of R.A. No. 10029, he/she has fulfilled any of the following conditions:

- (a) Obtained a doctoral degree in psychology conferred by a university, college or school in the Philippines or abroad, duly recognized/accredited by the CHED; and has accumulated a minimum of three (3) years work experience in the practice of psychology;
- (b) Obtained a master's degree in psychology conferred by a university, college or school in the Philippines or abroad recognized/accredited by the CHED; and must have accumulated a minimum of five (5) years work experience in the practice of psychology;
- (c) Psychologists or employees holding positions as Psychologists presently employed in various government and private agencies, who have a bachelor's degree in psychology, **accumulated a minimum of ten (10) years work experience in the practice of psychology as a psychologist, and have updated their professional education in various psychology-related functions.**

***“Professional education in various psychology-related functions” shall mean completion of at least 100 hours of updating workshops and training programs across various areas and specialties in psychology conducted by duly established national or international organizations of psychologists, psychiatrists[,] and other allied mental health professionals, in the last five (5) years immediately preceding the effectivity of R.A. 10029. (Emphases supplied.)<sup>4</sup>***

On May 7, 2015, Florentina Caoyong Sobrejuanite-Flores (Florentina) applied for registration as a psychologist without examination but the BOP informed her that she has insufficient work experience and has not updated her professional education. Aggrieved, Florentina appealed to the PRC and invoked that she is qualified to avail of the exemption. Yet, the PRC denied Florentina's appeal

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<sup>4</sup> Rollo, p. 6.

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for failure to substantiate her claim that she worked as a psychologist for a minimum accumulated period of ten (10) years. Moreover, the PRC pointed out that Florentina did not update her professional education by completing at least 100 hours of workshops and training programs across various areas and specialties in psychology in the last five (5) years from the time the law took effect on June 2, 2010, viz.:

This is in reference to your “final appeal for licensure as Psychologist” under the Grandfather Clause of RA 10029. We understand your concern and thus, we endorsed your appeal to the Board of Psychology (BOP) for consideration.

The BOP thoroughly reviewed and deliberated on your case repeatedly in the context of your appeals. However, they found no sufficient proof or evidence to substantiate your claim of having worked as [a] School Psychologist, Counselling Psychologist, Industrial Psychologist and Migrant Psychologist. **Based on the documents you submitted, you only started working with the title Psychologist [cum Psychometrician] at our Lady of Knock Medical Clinic Inc. from March 2004, which means you were employed as a Psychologist only for 6 years [reckoned from 2004 to June 1, 2010, the effectivity of the law], and not 10 years as prescribed. Your previous work experience may have included psychology-related functions but regrettably, you were not holding the position title of psychologist as stipulated under the law.**

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**Additionally, you failed to submit proof of “professional education in various psychology-related functions” within the period 2005 to 2010** as stipulated under Article V, Section 16-c of RA 10029 and its Implementing Rules and Regulations. Under Section 16 Rule 5 of the IRR, “Professional education in various psychology-related functions shall mean completion of at least 100 hours of updating workshops and training programs across various areas and specialties in psychology, conducted by duly established national or international organizations of psychologists, psychiatrists, and other allied mental health professionals in the last five years immediately preceding the effectivity of RA 10029.”

In view of the foregoing, the Commission upholds the decision of the BOP to deny your application for registration as a Psychologist under the Grandfather Clause. (Emphases supplied.)<sup>5</sup>

Unsuccessful at a reconsideration, Florentina elevated the matter to the Court of Appeals (CA) through a Petition for Review under Rule 43 of the Rules of Court docketed as CA-G.R. SP No. 150841.<sup>6</sup> Florentina alleged that she has been employed as a psychologist since 1980 which is more than enough to qualify her for the exemption. Also, Florentina averred that the requirement under Section 16(c) of the IRR of RA No. 10029 requiring “*at least 100 hours of updating workshops and training programs*” is unconstitutional because the law itself did not provide for such onerous and discriminatory provisions. On the other hand, the

<sup>5</sup> Id. at 19-20.

<sup>6</sup> Id. at 3-17.

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Office of the Solicitor General (OSG) maintained that Florentina's right to practice her chosen profession is subject to regulation pursuant to the police power of the State. Moreover, the registration as a psychologist without examination is an exemption to the law that must be strictly construed against the applicant.

On May 21, 2019, the CA upheld the validity of the administrative regulation and affirmed the PRC and the BOP's factual finding that Florentina is not qualified to avail the exemption,<sup>7</sup> to wit:

In the case at bar, [the] petitioner failed to meet two (2) requirements as would qualify her to be registered as a psychologist without examination, and warrant the PRC's issuance of a certificate of registration and professional identification card under her name.

While in the instant case, the claims that petitioner is a holder of a bachelor's degree in psychology and that she is an employee who holds a position as a psychologist presently employed in various private agencies were not disputed, **she was not able to establish thoroughly that she had complied with the other requisites for registration, i.e. that she had accumulated the minimum of ten (10) years work experience in the practice of psychology as a psychologist and had updated her professional education in various psychology-related functions by completing at least one hundred (100) hours of updating workshops and training programs across various areas and specialties in psychology in the last five (5) years immediately preceding the effectivity of RA 10029.**

In her final appeal which she had submitted to the PRC, [the] petitioner summarized the details of her experience and functions as a school psychologist, counseling psychologist, industrial psychologist and human resource specialist, and migrant psychologist. Purportedly attached thereto are certain documents in support of such allegations. Furthermore, in her motion for reconsideration, [the] petitioner discussed in detail the nature of her work as a psychologist and alleged that she had accumulated more than ten (10) years of work experience as a psychologist, she having been employed as such since the year 1979, as allegedly shown by her "employment records/curriculum vitae" appended thereto. **However, said supporting documents or employment records are nowhere to be found in the records of this case.**

Then, too, [the] petitioner failed to prove that she had undergone one hundred (100) hours of updating workshops and training programs in the last five (5) years immediately preceding the effectivity of RA 10029, in accordance with Section 16, Rule V of the IRR. **Her submission that her varied actual work experiences "would even surpass or encompass any updated professional education in various psychology-related functions," will not help her cause at all.**

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<sup>7</sup> Id. at 26-30.

**Petitioner's contention, that Section 16 of the IRR of RA 10029 violates the equal protection clause of the 1987 Constitution, is untenable.**

The equal protection clause is directed principally against undue favor and individual or class privilege. It does not require absolute equality, but merely that all persons be treated alike under like conditions both as to privileges conferred and liabilities imposed. It has been held, time and again, that the equal protection clause of the Constitution does not forbid classification for so long as such classification is based on real and substantial differences having a reasonable relation to the subject of the particular legislation; if classification is germane to the purpose of the law, concerns all members of the class, and applies equally to present and future conditions, the classification does not violate the equal protection guarantee.

**Applying the said doctrine to the case at bar, We find that Section 16 of the IRR does not violate the equal protection clause.** Such provision creates a substantial classification between those who took a licensure examination and those who are applicants who did not take such examination, [*sic*] and requires the latter to provide credentials which [*sic*] would justify the PRC's granting of their applications for registration. **The provisions of RA 10029, in conjunction with its IRR, seek to classify the types of applicants and enforce more stringent rules against those who did not take the licensure examination, in view of their policy to recognize "the need to protect the public by preventing inexperienced or untrained individuals from offering psychological services.** Hence, it shall nurture competent upright and assiduous psychologists whose standards of practice and service shall be excellent and globally competitive through the administration of inviolable, effective[,] and credible licensure examinations and the imposition and promotion of regulatory measures, programs and activities that enhance their professional growth and well-being." Thus petitioner's argument, that the provision of the IRR which further requires applicants to take one hundred (100) hours of updating workshops and training programs creates a classification beyond the ambit of RA 10029 and discriminates against applicants who are professionally based in the provinces, deserves scant consideration.

**Administrative regulations enacted by administrative agencies to implement and interpret the law which they are entrusted to enforce have the force of law and are entitled to respect.** The said rules and regulations, such as the IRR of RA 10029, partake of the nature of a statute and are just as binding as if they have been written in the statute itself. They have the force and effect of law and enjoy the presumption of constitutionality and legality until they are set aside with finality in an appropriate case by a competent court. xxx

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WHEREFORE, in light of all the foregoing, the instant [P]etition is hereby DISMISSED for lack of merit.

SO ORDERED.



Florentina sought reconsideration but was denied.<sup>8</sup> Hence, this recourse, Florentina insists that she is qualified for the exemption and that Section 16(c) of the IRR of RA No. 10029 is unconstitutional.<sup>9</sup> The completion of at least 100 hours of updating workshops and training programs is an additional condition not found in the law itself. The requirement is likewise unfair, unreasonable, and inequitable which results in a denial of due process and violation of the equal protection clause.

### RULING

At the outset, we stress that Florentina is not assailing the propriety of Section 16 of RA No. 10029 on registration without examination for psychologists. Florentina even wants to avail the exemption of the law on the pretext that she possessed the required educational attainment and work experience. Rather, Florentina questions the validity of Section 16(c) of the IRR of RA No. 10029. On this score, it bears emphasis that the power of subordinate legislation allows administrative bodies to implement the broad policies laid down in a statute by filling in the details which the legislature may not have the opportunity or competence to provide.<sup>10</sup> The Congress finds it impracticable, if not impossible, to anticipate situations that may be met in carrying the law into effect.<sup>11</sup> In *Calalang v. Williams*,<sup>12</sup> the Court noted that the legislature cannot delegate its power to make the law; but it can make a law to delegate a power to determine some fact or state of things upon which the law makes, or intends to make, its own action depend. To deny this would be to stop the wheels of government. There are many things upon which wise and useful legislation must depend which cannot be known to the law-making power, and, must, therefore, be a subject of inquiry and determination outside of the halls of legislation, thus:

x x x, this Court had occasion to observe that the principle of separation of powers has been made to adapt itself to the complexities of modern governments, giving rise to the adoption, within certain limits, of the principle of "subordinate legislation," not only in the United States and England but in practically all modern governments. Accordingly, with the growing complexity of modern life, the multiplication of the subjects of governmental regulations, and the increased difficulty of administering the laws, **the rigidity of the theory of separation of governmental powers has, to a large extent, been relaxed by permitting the delegation of greater powers by the legislative and vesting a larger amount of discretion in administrative and executive officials, not only in the execution of the laws, but also in the promulgation of certain rules and regulations calculated to promote public interest.**<sup>13</sup> (Emphases supplied, citations omitted.)

<sup>8</sup> Id. at 35-36.

<sup>9</sup> Id. at 3-17.

<sup>10</sup> *Sigre v. Court of Appeals*, 435 Phil. 711, 719 (2002).

<sup>11</sup> *Conference of Maritime Manning Agencies, Inc. v. Philippine Overseas Employment Administration*, 313 Phil. 592, 606 (1995).

<sup>12</sup> 70 Phil. 726, 727-731 (1940).

<sup>13</sup> Id. at 732-733.

In *Eastern Shipping Lines, Inc. v. Philippine Overseas Employment Administration*,<sup>14</sup> the Court recognized that with the proliferation of specialized activities and their attendant peculiar problems, the 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, to wit:

**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 [the] executive or judicial powers have to be delegated by the authorities to which they legally certain. In the case of the legislative power, however, such occasions have become more and more frequent, if not necessary. **This had 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 [*sic*] 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.** (Emphases supplied.)

Yet, the power of subordinate legislation does not mean the absolute transmission of legislative powers to administrative agencies. A valid delegation of legislative powers must comply with the **completeness test** and the **sufficient standard test**. The law is complete when it sets the policy to be executed leaving nothing to the delegate except to implement it. On the other hand, the law lays down a sufficient standard when it provides adequate guidelines or limitations to determine the boundaries of the delegate's authority and prevent the delegation from running riot.<sup>15</sup> The tests are intended to prevent a total transfer of legislative authority to the delegate, who is not allowed to step into the shoes of the legislature and exercise a power essentially legislative.<sup>16</sup> Also, the tests ensure that administrative agencies, in the exercise of their power of subordinate legislation, create rules and regulations that are germane to the objects and purposes of the statute they implement; and are

<sup>14</sup> 248 Phil. 762, 772-773 (1988).

<sup>15</sup> *Bureau of Customs Employees Association v. Taven*, 677 Phil. 636, 656 (2011); and *Solicitor General v. Metropolitan Manila Authority*, 281 Phil. 925, 935 (1991).

<sup>16</sup> *Vivas v. The Monetary Board of the Bangko Sentral ng Pilipinas*, 716 Phil. 132, 154 (2013).

not in contradiction, but in full conformity with the standards prescribed in the law,<sup>17</sup> thus:

It is a fundamental principle flowing from the doctrine of separation of powers that Congress may not delegate its legislative power to the two other branches of the government, subject to the exception that local governments may over local affairs participate in its exercise. What cannot be delegated is the authority under the Constitution to make laws and to alter and repeal them; **the test is the completeness of the statute in all its term and provisions when it leaves the hands of the legislature.** To determine whether or not there is an undue delegation of legislative power, the inquiry must be directed to the scope and definiteness of the measure enacted. **The legislature does not abdicate its functions when it describes what job must be done, who is to do it, and what is the scope of his [sic] authority.** For a complex economy, that may indeed be the only way in which the legislative process can go forward. A distinction has rightfully been made between delegation of power to make the laws which necessarily involves a discretion as to what it shall be, which constitutionally may not be done, and delegation of authority or discretion as to its execution to be exercised under and in pursuance of the law, to which no valid objection can be made. The Constitution is thus not to be regarded as denying the legislature the necessary resources of flexibility and practicability.

To avoid the taint of unlawful delegation, there must be a standard, which implies at the very least that the legislature itself determines matters of principle and lays down fundamental policy. Otherwise, the charge of complete abdication may be hard to repel. **A standard thus defines legislative policy, marks its limits, maps out its boundaries[,] and specifies the public agency to apply it. It indicates the circumstances under which the legislative command is to be effected [sic].** It is the criterion by which legislative purpose may be carried out. Thereafter, the executive or administrative office designated may in pursuance of the above guidelines promulgate supplemental rules and regulations.<sup>18</sup> (Emphases supplied.)

Here, RA No. 10029 satisfied the completeness test and sufficient standard test. The law states the policy to guide the implementing agencies in carrying out its provisions. The clear legislative intent is to regulate the practice of psychology and to protect the public from incompetent individuals offering psychological services. As such, Congress now requires a licensure examination for psychologists, viz.:

**SECTION 2. Statement of Policy.** — The State recognizes that psychologists have an important role in nation-building and development. It also acknowledges the diverse specializations of psychologists and the diverse functions specific to the varied specialization. In particular, it recognizes the significance of the psychological services that practicing

<sup>17</sup> *Equi-Asia Placement, Inc. v. DFA*, 533 Phil. 590, 607 (2006); citing *Behran v. Secretary of Health*, 533 Phil. 560, 583 (2005).

<sup>18</sup> *Edu v. Ericta*, 146 Phil. 469, 485-486 (1970).

psychologists provide to diverse types of clients, but also recognizes **the need to protect the public by preventing inexperienced or untrained individuals from offering psychological services.** Hence, it shall nurture competent, upright and assiduous psychologists whose standards of practice and service shall be excellent and globally competitive through **the administration of inviolable, effective[,] and credible licensure examinations** and the imposition and promotion of regulatory measures, programs and activities that enhance their professional growth and well-being. (Emphases supplied.)

Before the enactment of the law, persons who studied and graduated from the academic discipline of psychology were not required to obtain a license to practice their profession. Corollarily, Section 16 of RA No. 10029 granted a window period for practitioners to register without examination and crafted sufficient standards on who may avail the exemption measured in terms of educational attainment and work experience. Specifically, the law provides that applicants who have Bachelor's Degree in Psychology may be registered without examination if they accumulated a *"minimum of ten (10) years of work experience in the practice of psychology as a psychologist"* and *"updated their professional education in various psychology-related functions."* Contrary to Florentina's contention, the use of these phrases neither render the law incomplete nor grant the PRC and the BOP a wide latitude of discretion. The standards set for subordinate legislation in the exercise of the administrative bodies' rule making authority are necessarily broad and highly abstract. The standards may be either expressed or implied. The standards do not have to be spelled out specifically, and could be implied from the purpose of the act considered as a whole.<sup>19</sup> This Court has recognized *"public interest"*, *"justice and equity"*, *"public convenience and welfare"* and *"simplicity, economy, and welfare"* as sufficient standards.<sup>20</sup> In this case, the declared policy of the law and the body of the statute complied with the requirements of valid delegation of legislative power. The guidelines for persons seeking to practice psychology are infused with the public interest.

Moreover, RA No. 10029 expressly authorized the BOP to promulgate the necessary IRR subject to PRC's review and approval.<sup>21</sup> Accordingly, the BOP provided the details for registration without examination of applicants who have a Bachelor's Degree in Psychology. Under Section 16(c) of the IRR of RA No. 10029, the phrase *"professional education in various psychology-related functions"* shall mean *"completion of at least 100 hours of updating workshops and training programs across various areas and specialties in psychology conducted by duly established national or international organizations of psychologists, psychiatrists and other allied mental health professionals, in the last five (5) years immediately preceding the effectivity of RA 10029."* However, Florentina argued that the requirement is unfair, unreasonable and inequitable. We disagree.

<sup>19</sup> *Tablarin v. Gutierrez*, 236 Phil. 768, 786 (1987).

<sup>20</sup> *Abakada Guro Party List v. Purisima*, 584 Phil. 246, 275 (2008).

<sup>21</sup> RA No. 10029, Sections 7 and 38.

This is not the first time that laws regulating the practice of professions granted registration without examination conditioned on educational attainment and work experience. Notably, some of these laws mandate other requirements such as relevant trainings, publications, and membership in professional organizations. There are parallel provisions found in RA No. 9646 or the *Real Estate Service Act of the Philippines*, RA No. 9484 or the *Philippine Dental Act of 2007*, RA No. 11398 or the *Philippine Fisheries Profession Act*, RA No. 10166 or the *Geology Profession Act of 2012*, and RA No. 11249 or the *Speech Language Pathology Act*.

For instance, RA No. 9646 exempted *“assessors and appraisers who, on the date of the effectivity of this Act, hold permanent appointments and have at least ten (10) years actual experience in real property appraisal or assessment and **have completed at least one hundred twenty (120) hours of accredited training on real property appraisal** conducted by national or international appraisal organizations or institutions/entities recognized by the Board and relevant CPE to the satisfaction of the Board.”*<sup>22</sup> Similarly, RA No. 9484 exempted those who *“had been practicing as a dental hygienist or dental technologist for at least five years in a licensed dental laboratory or clinic under the supervision of a dentist and **had attended a training course** given by an accredited school or institution accredited and certified by TESDA.”*<sup>23</sup>

On the other hand, RA No. 11398 allowed the registration without examination if the *“applicant is a graduate of at least a Bachelor's Degree in Fisheries from a school, college, or university, established or recognized by the Government: Provided, That the applicant has served the fisheries industry in the private sector for a total of five (5) years: Provided, further, That an applicant can show proof of achievements, awards, commendations, or promotions of deserving performance and **has published at least one (1) technical paper in fisheries.**”*<sup>24</sup> Also, RA No. 10166 provided that *“[a] graduate of Doctor of Philosophy (Ph.D.) in Geology or an equivalent degree in any of the specialized branch of Geology from a duly recognized university shall be exempted from taking the licensure examination upon evaluation of the Board.”*<sup>25</sup> Recently, RA No. 11249 granted registration without examination as speech language pathologist upon *“showing that the applicant before the effectivity of this Act holds a Bachelor's Degree in Speech Language Pathology from a college or university recognized by the CHED: Provided, further, that the applicant is a certified member of the AIPO of speech language pathologists.”*

Verily, the completion of at least 100 hours of updating workshops and training programs under Section 16(c) of the IRR of RA No. 10029 before an applicant can avail registration without examination as a psychologist can hardly be considered oppressive. The practice of psychology inherently entails the employment of current and effective approaches well-adaptive to the dynamic, evolving, and complex facets of human behavior. To consider the required updating

<sup>22</sup> RA No. 9646, Section 20(c).

<sup>23</sup> RA No. 9484, Section 27(b).

<sup>24</sup> RA No. 11398, Section 25(c).

<sup>25</sup> RA No. 10166, Section 26.

workshops and training programs as onerous would condone a lackluster desire on the part of psychologists to harness their craft and develop their expertise. The *Code of Ethics for Philippine Psychologists* enjoins to develop and maintain competence in caring for the well-being of the patient which requires the application of knowledge and skills that are appropriate for the nature of a situation as well as the social and cultural context.<sup>26</sup> Relevantly, psychologists must be equipped with the latest trends, research, and modalities of doing therapy because it could happen that their approach on a given problem may have already gone obsolete or outdated, which could potentially be harmful than helpful to the well-being of the patients.

Likewise, Section 16(c) of the IRR of RA No. 10029 is not in conflict with the equal protection clause which simply provides that all persons or things similarly situated should be treated in a similar manner, both as to rights conferred and responsibilities imposed. The principle recognizes reasonable classification which: (1) must rest on real and substantial distinctions; (2) must be germane to the purpose of the law; (3) must not be limited to existing conditions only; and (4) must apply equally to all members of the same class. The confluence of these elements is present in the required "*completion of at least 100 hours of updating workshops and training programs.*" There can be no dispute about the dissimilarities between those who have a Bachelor's Degree in Psychology and those who have graduated from advanced studies, Doctoral Degree and Master's Degree in Psychology. The distinction is also aligned to the policy of the law to regulate the practice of psychology and to protect the public from incompetent individuals offering psychological services. The classification is not limited to existing conditions only since its purpose is to nurture competent and assiduous psychologists whose practices and services can sustainably achieve excellence and competitiveness in the future both in the domestic and global arena. Lastly, the requirement applies indiscriminately to all holders of Bachelor's Degree prior to the enactment of the law who intend to avail the exemption from licensure examinations.

More importantly, Section 16(c) of the IRR of RA No. 10029 emanates from the valid exercise of police power to prescribe regulations that may interfere with personal liberty or property to promote the general welfare of the people.<sup>27</sup> This fundamental power is immense in relation to the principle of subordinate legislation. The exercise of police power should be given a wide latitude when delegated to administrative bodies with regulatory functions. The State through the implementing agencies should be able to exercise its police power with great flexibility, when the need arises.<sup>28</sup> Indeed, the Court has held that persons who desire to engage in the learned professions requiring scientific or technical knowledge may be subjected to

<sup>26</sup> Code of Ethics for Philippine Psychologists, retrieved from <https://www.prc.gov.ph/sites/default/files/PSYCHOLOGY-CodeEthics-2017-11.pdf>. Last accessed November 16, 2021.

<sup>27</sup> *Association of Medical Clinics for Overseas Workers, Inc. v. GCC Approved Medical Centers Association, Inc.*, 802 Phil. 116, 168 (2016).

<sup>28</sup> *Gerochi v. Department of Energy*, 554 Phil. 563, 583 (2007), citing Chief Justice Reynato S. Puno's Concurring and Dissenting Opinion in *Freedom from Debt Coalition v. Energy Regulatory Commission*, 476 Phil. 134, 239 (2004).

reasonable and fair admission requirements. The most concrete example of this would be in the field of medicine. The State has closely regulated the practice of all branches of medicine to protect the health and safety of the public from the potentially deadly effects of incompetence and ignorance among the practitioners.<sup>29</sup> The same rationale applies in the regulation of the practice of psychology which consists of the delivery of psychological services that involve the application of psychological principles and procedures to describe, understand, predict, and influence the behavior of individuals or groups, in order to assist in the attainment of optimal human growth and functioning.<sup>30</sup> Thus, an applicant may be refused admission as a psychologist absent compliance with the conditions of the law and its IRR. As intimated earlier, the required updating workshops and training programs under Section 16(c) of the IRR of RA No. 10029 to qualify for registration without examination as a psychologist is not oppressive and discriminatory.

Over all, we find no constitutional violation to pronounce void Section 16(c) of the IRR of RA No. 10029. Every administrative regulation has the force of law and has in its favor the presumption of validity. The regulation may be nullified only upon clear and unequivocal constitutional breach and not one that is speculative or argumentative. To doubt is to sustain.<sup>31</sup> Finally, whether Florentina is qualified to avail registration without examination is a question of fact and is beyond the ambit of this Court's jurisdiction in a petition for review on *certiorari*. It is not this Court's task to go over the proofs presented below to ascertain if they were appreciated and weighed correctly, most especially when the CA and the administrative agencies speak as one in their findings and conclusions.<sup>32</sup> While it is widely held that this rule of limited jurisdiction admits of exceptions, none exists in the instant case.<sup>33</sup>

In any case, the Court agrees with the CA, the PRC, and the BOP, that Florentina is not qualified to avail of the exemption. Florentina does not have a Doctoral or Master's Degree in Psychology, she does not fall under the coverage of Section 16(a) and (b) of R.A. No. 10029. Instead, Florentina is a holder of a Bachelor's Degree in Psychology and may be exempted from examination under

<sup>29</sup> *Professional Regulation Commission v. De Guzman*, 476 Phil. 596, 618 (2004); citing *Philippine Medical Association v. Board of Medical Examiners*, 134 Phil. 35, 36-37 (1968); and *Tablarin v. Judge Angelina S. Gutierrez*, 236 Phil. 768, 783-784 (1987). See also *St. Luke's Medical Center Employees Association-AFW v. National Labor Relations Commission*, 346 Phil. 503, 512-513 (2007).

<sup>30</sup> RA No. 10029, Section 3(b).

<sup>31</sup> *Garcia vs. Executive Secretary*, 281 Phil. 572, 579 (1991). See also *Abakada Guro Party List v. Purisima*, supra, citing *Enlao v. Commission on Audit*, 306 Phil. 178, 195-196 (1994); *Sierra Madre Trust v. Secretary of Agriculture and Natural Resources*, 206 Phil. 310, 313 (1983); and *People v. Maceren*, 169 Phil. 437, 449 (1977).

<sup>32</sup> *Bacasas v. Civil Service Commission*, 596 Phil. 858, 867 (2009).

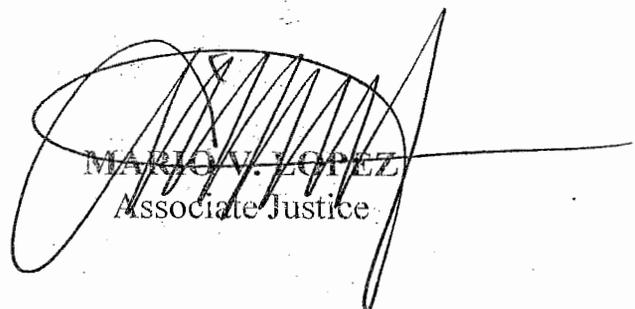
<sup>33</sup> The recognized exceptions are: (a) When the findings are grounded entirely on speculation, surmises, or conjectures; (b) When the inference made is manifestly mistaken, absurd, or impossible; (c) When there is grave abuse of discretion; (d) When the judgment is based on a misapprehension of facts; (e) When the findings of facts are conflicting; (f) When in making its findings, the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; (g) When the CA's findings are contrary to those by the trial court; (h) When the findings are conclusions without citation of specific evidence on which they are based; (i) When the facts set forth in the petition, as well as in the petitioner's main and reply briefs, are not disputed by the respondent; (j) When the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; or (k) When the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion. See *Navaja v. De Castro*, 761 Phil. 142, 155 (2015).

Section 16(c) provided she had accumulated a minimum of ten (10) years of work experience in the practice of psychology as a psychologist and updated her professional education in various psychology-related functions. Nonetheless, Florentina's claim that she worked since 1980 as a school psychologist, counselling psychologist, industrial psychologist, and migrant psychologist was unsubstantiated. The documentary evidence submitted revealed that Florentina started working as a psychologist only in March 2004 or for a period of six (6) years and two (2) months from the effectivity of the law on June 2, 2010. On this ground alone, the BOP correctly denied Florentina's application for registration without examination. Too, Florentina is not exempted because she did not update her professional education in various psychology-related functions which the IRR defined as a completion of at least 100 hours of updating workshops and training programs across various areas and specialties in psychology in the last five (5) years reckoned from June 2, 2010. Florentina maintained that her varied actual work experience is more than sufficient but she did not submit proof of adequate updating of her professional education. The IRR of RA No. 10029 is explicit that an applicant must submit credentials that are satisfactory to the BOP.<sup>34</sup> However, Florentina failed to discharge this burden. Florentina's bare assertion has no probative value and the mere allegation is not evidence.

We reiterate that an important component of public order is the health and well-being of the population.<sup>35</sup> Psychology involves the application of scientific methods to inquire into the biological, cognitive, affective, developmental, personality, social, cultural, and individual difference dimensions of human behavior.<sup>36</sup> No one can deny that the competent practice of psychology is a legitimate objective of governmental effort and regulation. Hence, "*it's not okay not to be okay*" when it comes to the professional qualifications of psychologists and the delivery of psychological services. As the World Health Organization said, "*there is no health without mental health.*"

**FOR THESE REASONS**, the petition is **DENIED**. The Court of Appeal's Decision dated May 21, 2019 in CA-G.R. SP No. 150841 is **AFFIRMED**. The provisions of Section 16(c) of the IRR of RA No. 10029 are declared not unconstitutional.

**SO ORDERED.**"



MARIO V. LOPEZ  
Associate Justice

<sup>34</sup> Board Resolution No. 003-12, November 28, 2012 provides that: xxx "To qualify, the applicant must submit credentials satisfactory to the Board that on or prior to June 2, 2010, the effectivity of RA 10029, he/she has fulfilled any of the following conditions: xxx."

<sup>35</sup> *Tablarin v. Gutierrez*, *supra* note 19; citing *E.G. Case v. Board of Health*, 24 Phil. 256, 240 (1913); and *Lorenzo v. Director of Health*, 50 Phil. 595, 597 (1927).

<sup>36</sup> RA No. 10029, Section 3(a).

WE CONCUR:

*Alex G. Gesmundo*  
ALEXANDER G. GESMUNDO  
Chief Justice

*separatim*

*W. Bernabe*  
ESTELA M. PERLAS-BERNABE  
Associate Justice

*Marvic M.V.F. Leonen*  
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*Alfredo Benjamin S. Caguioa*  
ALFREDO BENJAMIN S. CAGUIOA  
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*On official leave*  
*Ramon Paul L. Hernando*  
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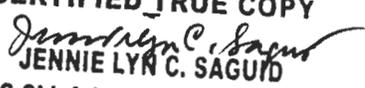
*Japar B. Dimaampao*  
JAPAR B. DIMAAMPAO  
Associate Justice

*Jose Midas P. Marquez*  
JOSE MIDAS P. MARQUEZ  
Associate Justice

## CERTIFICATION

Pursuant to Section 13, Article VIII 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*

**CERTIFIED TRUE COPY**  
  
JENNIE LYN C. SAGUD  
SC Chief Judicial Staff Officer  
Office of the Clerk of Court  
Supreme Court of the Philippines