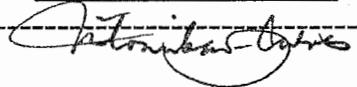


EN BANC

G.R. No. 251816 — FLORENTINA CAOYONG SOBREJUANITE-FLORES, *Petitioner* v. 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*.

Promulgated:

November 23, 2021

X----------X

CONCURRING OPINION

LEONEN, J.:

I concur with the finding that Section 16(c) of the Implementing Rules and Regulations (IRR) of Republic Act No. 10029 or the Philippine Psychology Act of 2009 has complied with the requirements of due process. I write this opinion to expand the discussion on why the requirement imposed by the IRR is not violative of the equal protection clause, and how it ensures that practicing psychologists are well-versed in the recent developments in the practice of psychology.

I

Individuals are free to choose the profession or industry of their interest. However, this is recognized as more of a privilege rather than a right that can be demanded from the government.¹ Applicants must meet certain qualifications in order to practice their profession, such as completing an academic degree or passing a licensure exam. These requirements are imposed by laws and regulations and enforced by regulatory government agencies comprised of recognized experts in the profession.² Even if the applicants appeared to have met the requirements, the regulatory agency may further investigate the truthfulness of each application's factual circumstances.

In *Professional Regulation Commission v. De Guzman*,³ the Board of Medicine questioned the suspiciously and unprecedented high ratings obtained by a certain group of examinees in the physician licensure exam.

¹ *Professional Regulation Commission v. De Guzman*, 476 Phil. 596 (2004) [Per J. Tinga, Second Division].

² *Tablarin v. Gutierrez*, 236 Phil. 768 (1987) [Per J. Feliciano, En Banc].

³ *Professional Regulation Commission v. De Guzman*, 476 Phil. 596 (2004) [Per J. Tinga, Second Division].



This group of examines all graduated from the same medical school. As a result, the Professional Regulation Commission (PRC) issued a resolution preventing this group of examinees from being registered. The examinees then filed for a petition for mandamus, demanding that the PRC allow them to take the physician's oath and register as physicians. The lower courts awarded the writ of mandamus, which this Court reversed:

It is true that this Court has upheld the constitutional right of every citizen to select a profession or course of study subject to a fair, reasonable, and equitable admission and academic requirements. *But like all rights and freedoms guaranteed by the Charter, their exercise may be so regulated pursuant to the police power of the State to safeguard health, morals, peace, education, order, safety, and general welfare of the people.* Thus, persons who desire to engage in the learned professions requiring scientific or technical knowledge may be required to take an examination as a prerequisite to engaging in their chosen careers. This regulation takes particular pertinence in the field of medicine, to protect the public from the potentially deadly effects of incompetence and ignorance among those who would practice medicine. . . .

. . . Verily, to be granted the privilege to practice medicine, the applicant must show that [they] possess all the qualifications and none of the disqualifications. *Furthermore, it must appear that [they have] fully complied with all the conditions and requirements imposed by the law and the licensing authority. Should doubt taint or mar the compliance as being less than satisfactory, then the privilege will not issue. For said privilege is distinguishable from a matter of right, which may be demanded if denied.* Thus, without a definite showing that the aforesaid requirements and conditions have been satisfactorily met, the courts may not grant the writ of mandamus to secure said privilege without thwarting the legislative will.⁴ (Emphasis supplied, citations omitted)

Indeed, applicants must show that they can carry out the duties and responsibilities that come with practicing a profession—especially one that caters to the public. In this regard, policymakers and the appropriate regulatory agencies have the discretion to impose conditions to assess each applicant's competency.⁵

However, similar with any government action, a profession's regulation must still be exercised in a fair manner:

It must be stressed however that the power to regulate the exercise of a profession or pursuit of an occupation cannot be exercised by the State or its agents in an arbitrary, despotic, or oppressive manner. *A political body which regulates the exercise of a particular privilege has the authority to both forbid and grant such privilege in accordance with certain conditions.* As the legislature cannot validly bestow an arbitrary power to grant or

⁴ Id. at 617–619.

⁵ Id.

refuse a license on a public agency or officer, courts will generally strike down license legislation that vests in public officials discretion to grant or refuse a license to carry on some ordinarily lawful business, profession, or activity without prescribing definite rules and conditions for the guidance of said officials in the exercise of their power.⁶ (Emphasis supplied, citation omitted)

Thus, the standards set forth in the Constitution and other applicable legislation should be followed when it comes to the laws and policies on admittance and practice of a profession. Among these standards is the constitutional guaranty of equal protection of laws.

II

The equal protection of laws prescribed by the Constitution⁷ is an essential part of due process because it guards against unfair discrimination. It ensures similar subjects are treated equally, and that “to do otherwise would be to confer an unwarranted favor to some at the expense of others who are similarly situated.”⁸ However, the principle of the equal protection of laws does not prohibit lawmakers from making classifications based on certain societal facts, as long as these classifications are consistent with standards set by jurisprudence.

II (A)

A regulation that treats one class of citizens differently than another is not violative of the equal protection clause. As explained by this Court in *Victoriano v. Elizalde Rope Workers' Union*⁹:

The guaranty of equal protection of the laws is not a guaranty of equality in the application of the laws upon all citizens of the state. It is not, therefore, a requirement, in order to avoid the constitutional prohibition against inequality, that every man, woman and child should be affected alike by a statute. *Equality of operation of statutes does not mean indiscriminate operation on persons merely as such, but on persons according to the circumstances surrounding them. It guarantees equality, not identity of rights. The Constitution does not require that things which are different in fact be treated in law as though they were the same.* The equal protection clause does not forbid discrimination as to things that are different. It does not prohibit legislation which is limited either in the object to which it is directed or by the territory within which it is to operate.

⁶ *Board of Medicine v. Ota*, 580 Phil. 213, 221–222 (2008) [Per J. Austria-Martinez, Third Division].

⁷ CONST., art. III, sec. 1.

⁸ J. Leonen, Concurring Opinion in *Inmates of the New Bilibid Prison v. De Lima*, G.R. Nos. 212719 & 214637, June 25, 2019 <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65257>> [Per J. Peralta, En Banc].

⁹ 158 Phil. 60 (1974) [Per J. Zaldivar, En Banc].

The equal protection of the laws clause of the Constitution allows classification. Classification in law, as in the other departments of knowledge or practice, is the grouping of things in speculation or practice because they agree with one another in certain particulars. A law is not invalid because of simple inequality. The very idea of classification is that of inequality, so that it goes without saying that the mere fact of inequality in no manner determines the matter of constitutionality. *All that is required of a valid classification is that it be reasonable, which means that the classification should be based on substantial distinctions which make for real differences; that it must be germane to the purpose of the law; that it must not be limited to existing conditions only; and that it must apply equally to each member of the class.* This Court has held that the standard is satisfied if the classification or distinction is based on a reasonable foundation or rational basis and is not palpably arbitrary.¹⁰ (Emphasis supplied, citations omitted)

A valid classification recognizes the implications brought about by the differences in the circumstances of individuals who do not belong to the same class.¹¹ Thus, it further ensures that the rights and responsibilities of similarly situated individuals are protected.

II (B)

Aside from the enshrined qualifications of a valid classification, this Court has also enumerated three kinds of tests to determine the reasonableness of the classification. The application of the tests is dependent on the type and nature of the rights involved in the classification:

The strict scrutiny test applies when a classification either (i) interferes with the exercise of fundamental rights, including the basic liberties guaranteed under the Constitution, or (ii) burdens suspect classes. The intermediate scrutiny test applies when a classification does not involve suspect classes or fundamental rights, but requires heightened scrutiny, such as in classifications based on gender and legitimacy. Lastly, the rational basis test applies to all other subjects not covered by the first two tests.¹²

In his concurring opinion in *Ang Ladlad LGBT Party v. Commission on Elections*,¹³ Chief Justice Reynato S. Puno further clarifies the application of the tests:

If a legislative classification disadvantages a “suspect class” or impinges upon the exercise of a “fundamental right,” then the courts will employ strict scrutiny and the statute must fall unless the government can demonstrate that the classification has been precisely tailored to serve a compelling governmental interest. Over the years, the United States

¹⁰ Id. at 86–87.

¹¹ *People v. Dela Piedra*, 403 Phil. 31 (2001) [Per J. Kapunan, First Division].

¹² *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil. 1067 (2017) [Per J. Perlas-Bernabe, En Banc].

¹³ J. Puno, Concurring Opinion in *Ang Ladlad LGBT Party v. Commission on Elections*, 632 Phil. 32 (2010) [Per J. Del Castillo, En Banc].

Supreme Court has determined that suspect classes for equal protection purposes include classifications based on race, religion, alienage, national origin, and ancestry. The underlying rationale of this theory is that where legislation affects discrete and insular minorities, the presumption of constitutionality fades because traditional political processes may have broken down. In such a case, the State bears a heavy burden of justification, and the government action will be closely scrutinized in light of its asserted purpose.

On the other hand, if the classification, while not facially invidious, nonetheless gives rise to recurring constitutional difficulties, or if a classification disadvantages a “quasi-suspect class,” it will be treated under intermediate or heightened review. To survive intermediate scrutiny, the law must not only further an important governmental interest and be substantially related to that interest, but the justification for the classification must be genuine and must not depend on broad generalizations.

If neither strict nor intermediate scrutiny is appropriate, then the statute will be tested for mere rationality. This is a relatively relaxed standard reflecting the Court's awareness that the drawing of lines which creates distinctions is peculiarly a legislative task and an unavoidable one. The presumption is in favor of the classification, of the reasonableness and fairness of state action, and of legitimate grounds of distinction, if any such grounds exist, on which the State acted.¹⁴ (Citations omitted)

In relation to determining whether the use of the strict scrutiny test is appropriate, a “suspect class” has been characterized as “a class saddled with such disabilities, or subjected to such a history of purposeful unequal treatment, or relegated to such a position of political powerlessness as to command extraordinary protection from the majoritarian political process.”¹⁵ Thus, when the classification involving a “suspect class” is questioned, the State must clearly present the need for such classification in order to avoid further oppressing the exercise of the fundamental and basic rights of those who are already at a disadvantage.

Meanwhile, all that is required in the application of a rational basis test is for there to be a “legitimate government interest” and a “reasonable connection between it” and the methods used to achieve it.¹⁶

III

From the foregoing, I submit that it is proper to apply the rational basis test in determining whether the assailed provision in the IRR of Republic Act

¹⁴ Id. at 105–107.

¹⁵ J. Carpio Morales, Dissenting Opinion in *Central Bank Employees Association, Inc. v. Bangko Sentral ng Pilipinas*, 487 Phil. 531, 694 (2004) [Per J. Puno, En Banc], citing *San Antonio Independent School District v. Rodriguez*, 411 U.S. 1; 93 S. Ct. 1278; 36 L. Ed. 2d 16 (1973).

¹⁶ *Zomer Development Co., Inc. v. Special Twentieth Division of the Court of Appeals, Cebu City*, G.R. No. 194461, January 7, 2020 <<https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66131>> [Per J. Leonen, En Banc], citing J. Leonen, Separate Opinion in *Samahan ng Progresibong Kabataan v. Quezon City*, 815 Phil. 1067, 1147 (2017) [Per J. Perlas-Bernabe, En Banc].

No. 10029 complies with the equal protection clause. In using this test, it can be concluded that the assailed provision is consistent with the equal protection clause.

Petitioner Florentina Caoyong Sobrejuanite-Flores challenged the constitutionality of Section 16(c) of the IRR of Republic Act No. 10029, where the relevant portion reads:

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 [Republic Act 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, 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 [Commission on Higher Education]; 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 [Commission on Higher Education]; 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 [Republic Act No.] 10029.

In particular, petitioner claims that Section 16(c)'s imposed completion of “*at least 100 hours of updating workshops and training programs*” is an additional burden which is not prescribed in the law itself.¹⁷

There is then a distinction created between those who belong in Section 16(a) and (b) who are holders of a doctoral or master's degree in psychology,

¹⁷ Draft *ponencia*, p. 6.

and those who belong in Section 16(c) who are holders of a bachelor's degree in psychology and have worked either as psychologists or have been in the practice of psychology for at least 10 years.

III (A)

As discussed, the practice of a profession is deemed more as a privilege rather than a right. It is an individual's choice that is subject to the conditions placed by the laws and policies that govern the practice of such a profession.¹⁸

The nature of the rights and responsibilities imposed by the classification found in regulations concerning the practice of a profession cannot be compared to "suspect class" individuals. Those who belong in a "suspect class" have experienced a "history of invidious discrimination[,]"¹⁹ and that their distinguishing characteristics are usually "beyond [their] control."²⁰

Individuals are considered to have control over their decision to enter a certain profession and to pursue further related studies.²¹ There is no basic or fundamental right, or a right that is similar to gender or legitimacy, involved in the exercise of such choice. As such, those who intend to register as psychologists without taking the licensure exams are neither a "suspect class" nor a "quasi-suspect class."

Furthermore, it must be noted that passing the licensure exam is the general requirement imposed by Republic Act No. 10029 for one to practice psychology in the Philippines. As the *ponencia* pointed out, Section 16 is an exemption and an accommodation provided to those who do not wish to take the licensure exam.²² Even those who qualify to claim such an accommodation must still present proof of their qualifications and credentials.²³ This is further proof that the process of registering as a psychologist cannot be considered as a right that would trigger the application of either the strict scrutiny test or intermediate scrutiny test.

In this regard, the rational basis test is the appropriate test to analyze the classification present in Section 16(c) of the IRR of Republic Act No. 10029. In using this test, there is a presumption that the classification made by the policymakers is valid and reasonable.

¹⁸ *Professional Regulation Commission v. De Guzman*, 476 Phil. 596 (2004) [Per J. Tinga, Second Division].

¹⁹ J. Puno, Concurring Opinion in *Ang Ladlad LGBT Party v. Commission on Elections*, 632 Phil. 32 (2010) [Per J. Del Castillo, En Banc].

²⁰ *Id.*

²¹ *Professional Regulation Commission v. De Guzman*, 476 Phil. 596 (2004) [Per J. Tinga, Second Division].

²² Draft *ponencia*, p. 12.

²³ Republic Act No. 10029 (2009), sec. 16.

Guided by these principles, I agree with the *ponencia* that the distinctions implied in Section 16(c) of the IRR of Republic Act No. 10029 does not violate the equal protection clause.

III (B)

To recall, a reasonable and valid classification must be:

[F]irst, based on “substantial distinctions which make real differences”; second, it must be “germane to the purposes of the law”; third, it must “not be limited to existing conditions only”; and fourth, it must apply to each member of the class.²⁴ (Citations omitted)

All of these are present in the classification under Section 16(c) of the IRR of Republic Act No. 10029 and thus, the imposition of additional requirement of “completion of at least 100 hours of updating and training programs” is valid.

There is a significant difference between holders of a bachelor’s degree in psychology and those who have obtained either a master’s or doctoral degree in psychology.

Republic Act No. 10029 requires that those who intend to claim the exception provided in Section 16 must have a psychology degree from an institution recognized or accredited by the Commission on Higher Education (CHED).²⁵

The policies and standards for undergraduate and graduate programs in psychology can be found in the CHED regulations. These regulations enumerate the competency standards for graduates of psychology degree programs. These also identify the curriculum and the equivalent minimum number of units that an institution must offer in order to confer psychology degrees to its students.

When Republic Act No. 10029 was enacted, CHED Memorandum Order (CMO) No. 38, series of 2010 prescribed the policies and standards for undergraduate programs such as: (1) Bachelor of Arts in Psychology (AB Psychology); and (2) Bachelor of Science in Psychology (BS Psychology),²⁶ while CMO No. 38, series of 2010 served as guidance for graduate programs

²⁴ *Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment*, 836 Phil. 205 (2018) [Per J. Leonen, En Banc].

²⁵ Republic Act No. 10029 (2009), sec. 16.

²⁶ CHED Memorandum Order No. 38 (2010), sec. 3.

such as: (1) Non-Thesis Master's Program (MP in Psychology); (2) Thesis Master's Program in Psychology (M.A/M.S in Psychology); and (3) Doctoral Program in Psychology (Ph.D. in Psychology).²⁷

On one hand, the undergraduate curriculum for AB Psychology and BS Psychology is comprised of: (1) general education courses; (2) basic courses (e.g. General Psychology, Psychological Statistics); (3) required courses (e.g. Developmental Psychology, Social Psychology); and (4) psychology elective subjects, among others.²⁸ In total, AB Psychology and BS Psychology students must complete at least 65 units.²⁹

On the other hand, graduate programs for psychology require additional subjects focused on research and fieldwork. In addition to the units they have earned in their undergraduate programs, students of MP in Psychology or M.A/M.S. in Psychology must complete at least 30 more units.³⁰ Moreover, those enrolled in a Ph.D. program in psychology must further complete at least 45 more units if they already have a master's degree in psychology, and an additional 66 units if they do not have a master's degree.³¹

Aside from the stark differences between the number of subjects and units required of undergraduate and graduate students, as well as the number of years involved in completing the respective program, the nature and extent of studies pursued by the students are also vastly distinct.

AB Psychology and BS Psychology programs intend to provide a "*solid basic foundation* on the major areas of psychology which may also be used as preparation for further studies and training[;]"³² whereas a master's program in psychology is aimed to offer a "*high level training* in teaching, research, and professional practice in psychology[;]"³³ and a doctoral program is further designed "*with emphasis on a high level of specialization* in a field within psychology."³⁴

A master's or doctoral degree in psychology is also described as a practitioner's degree, a research degree, or a teaching degree, as the case may be.³⁵ This explains why students of MP in Psychology are further required to complete fieldwork, while those enrolled in M.A./M.S. in Psychology are

²⁷ CHED Memorandum Order No. 39 (2010), sec. 4.

²⁸ CHED Memorandum Order No. 38 (2010), sec. 7.

²⁹ CHED Memorandum Order No. 38 (2010), sec. 7. BS Psychology students are further required to take additional 20 units of natural science electives.

³⁰ CHED Memorandum Order No. 39 (2010), sec. 9.

³¹ CHED Memorandum Order No. 39 (2010), sec. 9.

³² CHED Memorandum Order No. 38 (2010), sec. 3.

³³ CHED Memorandum Order No. 39 (2010), sec. 5(1)(a).

³⁴ CHED Memorandum Order No. 39 (2010), sec. 5(1)(b).

³⁵ CHED Memorandum Order No. 39 (2010), sec. 10.

expected to complete a thesis. Meanwhile, Ph.D. students must both undergo an internship program and write a dissertation.³⁶

The foregoing clearly demonstrates the substantial distinctions that exist between a holder of bachelor's degree in psychology and holder of either a master's degree or doctoral degree in psychology. As evidenced through years of rigorous research and training undertaken by the latter group, i.e. those who have graduated from advanced studies in psychology, the level of knowledge and skills between these categories of degree holders is unmatched.

This distinction is also consistent with the policy of Republic Act No. 10029, which states:

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 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. (Emphasis supplied)

Given that degree holders of MP, M.S./M.A. or Ph.D. in psychology have spent more time in studying the principles of psychology and have firsthand experience with the practical application of these concepts, they are expected to have the competence and expertise to engage in the “practice of psychology.” The “practice of psychology” is defined in law as:

[D]elivery of psychological services that involve application of psychological principles and procedures for the purpose of describing, understanding, predicting and influencing the behavior of individuals or groups, in order to assist in the attainment of optimal human growth and functioning. The delivery of psychological services includes, but is not limited to: (1) psychological interventions: psychological counseling, psychotherapy, psychosocial support, coaching, psychological debriefing, group processes and all other psychological interventions that involve the application of psychological principles to improve psychological functioning of individuals, families, groups and organizations; (2) psychological assessment: gathering and integration of psychology-related data for the purpose of making a psychological evaluation, accomplished through a variety of tools, including individual tests, projective tests, clinical interviews and other psychological assessment tools, for the

³⁶ CHED Memorandum Order No. 39 (2010), sec. 9.

purpose of assessing diverse psychological functions including cognitive abilities, aptitudes, personality characteristics, attitudes, values, interests, emotions and motivations, among others, in support of psychological counseling, psychotherapy and other psychological interventions; and (3) psychological programs: development, planning, implementation, monitoring and evaluation of psychological treatment programs and other psychological intervention programs for individuals and/or groups.³⁷

It can be gleaned that the research and practicum objectives of a master's program or doctoral program in psychology are more aligned with the definition of "practice of psychology" than the "basic foundation" designed for a bachelor's program in psychology. As discussed above, holders of bachelor's degree in psychology have not taken the additional subjects and training that graduates of advanced studies have accomplished.

This is why Section 16 of Republic Act No. 10029 requires proof of work experience and training, which varies depending on the applicant's level of study. The IRR's additional requirement that bachelor's degree holders must have also completed "at least 100 hours of updating workshops and training programs across various areas and specialties in psychology"³⁸ is imposed in order to address the possibility that they may be unaware of the recent developments in the practice of psychology. In sum, these conditions are required to prevent "inexperienced or untrained individuals" from practicing psychology and causing irreparable harm to the public.

The classification is also not limited to the existing conditions upon its enactment into law. There is nothing in the law or in the IRR that could have changed the requirements asked from each category. Moreover, claimants for exemption under Section 16 of Republic Act No. 10029 only had until May 21, 2015 to avail of the exemption and present the requirements.³⁹

Finally, the classification does not treat similarly-situated members of the same class differently.

Petitioner claims that bachelor's degree holders in psychology who live in provinces are at a disadvantage since "availability of updating workshops and training programs are scant."⁴⁰ However, the IRR only requires that these workshops and trainings be "conducted by duly established national or international organizations of psychologists, psychiatrists[,] and other allied mental health professionals[,]"⁴¹ and that these be attended within the "last

³⁷ Republic Act No. 10029 (2009), sec. 3(b).

³⁸ Republic Act No. 10029 (2009), Implementing Rules and Regulations, sec. 16(c).

³⁹ Republic Act No. 10029 (2009), Implementing Rules and Regulations, sec. 16(c).

⁴⁰ Court of Appeals Decision, p. 5. The May 21, 2019 Decision was penned by Associate Justice Sesinado E. Villon and concurred in by Associate Justice Edwin D. Sorongon and Associate Justice Germano Francisco D. Legaspi of the Seventh Division, Court of Appeals, Manila.

⁴¹ Republic Act No. 10029 (2009), Implementing Rules and Regulations, sec. 16(c).

five. . . years immediately preceding the effectivity of Republic Act No. 10029.”⁴² There are no other extra locational or requirements imposed, and neither are there any further classifications made within the same group of people who have a bachelor’s degree in psychology.

IV

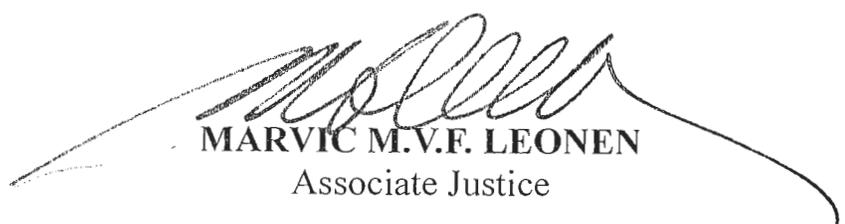
Much like any other discipline, the study of psychology is continuously evolving. With the recent emphasis on the importance on preserving mental health, psychologists are expected to keep abreast of all the latest developments in order to provide the best psychological services to the public. Accordingly, the licensure exam for psychologists serves as an equalizer to ensure that all practicing psychologists are properly competent.

However, Republic Act No. 10029 offers an accommodation to those who have been engaged in the practice of psychology prior to its enactment, in which they do not need to take the licensure exam. In the alternative, they must demonstrate their competence by showing proof of their work experience and training.

As discussed, there are clear differences between undergraduates and postgraduates, especially as postgraduates underwent a more comprehensive research and training program in the field of psychology. In this regard, there exists a valid classification in Section 16 of Republic Act No. 10029 and its corresponding text in the IRR. The additional requirement placed on bachelor’s degree holders is aligned with the law’s purpose to ensure that only those who are knowledgeable and skilled may engage in the practice of psychology.

Thus, I agree with the *ponencia* that the provisions of Section 16(c) of the IRR of Republic Act No. 10029 are constitutional.

ACCORDINGLY, I vote to **DENY** the Petition.



MARVIC M.V.F. LEONEN

Associate Justice

CERTIFIED TRUE COPY



JENNIE LYN C. SAGUD

SC Chief Judicial Staff Officer

Office of the Clerk of Court

Supreme Court of the Philippines

⁴² Republic Act No. 10029 (2009), Implementing Rules and Regulations, sec. 16(c).