



Republic of the Philippines  
Supreme Court  
Manila

SECOND DIVISION

PROFESSIONAL REGULATION  
COMMISSION,

*Petitioner,*

- versus -

DAYAMON DIDATO ALO,

*Respondent.*

G.R. No. 214435

Present:

PERLAS-BERNABE, S.A.J.,

*Chairperson,*

HERNANDO,

INTING,

GAERLAN, and

DIMAAMPAO, JJ.

Promulgated:

FEB 14 2022

X-----X

DECISION

**HERNANDO, J.:**

Before this Court is a petition for review on *certiorari*<sup>1</sup> under Rule 45 of the Rules of Court, seeking to set aside the February 12, 2014 Decision<sup>2</sup> and the September 12, 2014 Resolution<sup>3</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 129993.

The facts of the case are as follows:

On July 5, 2011, respondent Dayamon Didato Alo (Alo) was formally charged with unprofessional conduct and/or dishonorable conduct before the Board for Professional Teachers (Board), which operates under petitioner Professional Regulation Commission (PRC), for using fraud or deceit in

<sup>1</sup> *Rollo*, pp. 16-36.

<sup>2</sup> *Id.* at 40-47. Penned by Associate Justice Mariflor P. Punzalan Castillo and concurred in by Associate Justices Amy C. Lazaro-Javier (now a Member of this Court) and Pedro Corales.

<sup>3</sup> *Id.* at 48-50.

obtaining a certificate of registration and professional license, allegedly committed as follows:

You used a falsified Board Resolution No. 671 dated September 28, 2000 when you registered as a professional teacher on September 14, 2007. The original Board Resolution No. 671 dated September 28, 2000 does not contain your name as among those who will be registered as professional teachers without examination either in the elementary level or in the secondary level.<sup>4</sup>

For her defense, Alo alleged in her counter-affidavit<sup>5</sup> that she is a holder of a degree in Bachelor of Science in Elementary Education and had been a public elementary school teacher in Kalanganan Elementary School from 1995 to 2006 before she secured her certificate of registration and professional license.<sup>6</sup> She is currently a public school teacher in Tambo Cadayonan Elementary School, Pantar District, Pantar, Lanao del Norte.<sup>7</sup>

Sometime in September 2007, Alo allegedly went to the PRC Head Office in Manila to apply for a Professional Teacher's License based on Section 26 (C) of Republic Act No. (RA) 7836.<sup>8</sup> RA 7836, under certain conditions, grants a certificate of registration and professional license to qualified applicants without need for examination.<sup>9</sup> Alo, who was not a passer of the board examination for professional teachers, claimed that she knew of some professional teachers who were granted permanent appointments under the said law and believed that she was qualified to be extended the same privilege since she has been teaching in the public school from 1995 to 2006.<sup>10</sup> She averred that when she went to the PRC, she was given forms to fill out and was made to pay various fees.<sup>11</sup> A few days later, she was issued a professional identification card, followed by a certificate of good standing and a certificate of membership in the National Organization of Professional Teachers, Inc.<sup>12</sup>

Alo maintained that there was no iota of proof that she used the alleged falsified Board Resolution No. 671 in obtaining her certificate of registration and professional license.<sup>13</sup> She claimed that she never knew of the existence of such board resolution, and that it was the first time she heard about it.<sup>14</sup> Also, she never attached the said board resolution to her application for registration, and noted that the accusation against her belittled the efficiency of the PRC personnel, wondering how the latter could have been easily defrauded into issuing a professional license based on an alleged falsified board resolution

---

<sup>4</sup> Id. at 40-41.

<sup>5</sup> CA *rollo*, pp. 32-34.

<sup>6</sup> *Rollo*, p. 41.

<sup>7</sup> Id. at 18.

<sup>8</sup> Entitled "AN ACT TO STRENGTHEN AND REGULATION AND SUPERVISION OF THE PRACTICE OF TEACHING IN THE PHILIPPINES AND PRESCRIBING A LICENSURE EXAMINATION FOR TEACHERS AND FOR OTHER PURPOSES." Approved December 16, 1994.

<sup>9</sup> Id. at 41.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Id.

<sup>14</sup> Id.

when they could have easily checked or verified with their own record or office the authenticity of the said document.<sup>15</sup>

Moreover, Alo argued that she already enjoyed security of tenure pursuant to Section 5 of RA 4670,<sup>16</sup> otherwise known as “The Magna Carta for Public School Teachers,” which provided that “teachers appointed on a provisional status for lack of necessary civil service eligibility shall be extended permanent appointment for the position he is holding after having rendered at least ten years of continuous, efficient and faithful service in such position.”<sup>17</sup>

In her position paper,<sup>18</sup> which Alo filed in lieu of her personal appearance during the trial, she bolstered her allegations in her counter-affidavit.<sup>19</sup>

She stressed that she never submitted the alleged falsified Board Resolution No. 671 and even tasked the special prosecutor to present in evidence the said falsified document; if she actually submitted a falsified board resolution, the prosecution needed only to request from the PRC all the papers and documents she submitted before it when she applied for her license and certificate of registration.<sup>20</sup>

Alo also pointed out that there was no need for her to present the alleged Board Resolution No. 671 since she applied for her license and certificate of registration on the strength of Section 26 (C) of RA 7836.<sup>21</sup>

On September 11, 2012, the Board rendered a Decision<sup>22</sup> against Alo, the dispositive portion of which states:

WHEREFORE, premises considered, this Board hereby declares the respondent, DAYAMON DIDATO ALO, GUILTY as charged and accordingly REVOKES her certificate of registration and license as professional teacher.

Respondent is hereby ordered to surrender to this Board her Certificate of Registration and Professional Identification Card as Professional Teacher within fifteen (15) days upon finality of this decision and to desist from the practice of the teaching profession under the pain of criminal prosecution.

SO ORDERED.<sup>23</sup>

Dissatisfied, Alo filed a motion for reconsideration<sup>24</sup> which the Board denied.<sup>25</sup>

---

<sup>15</sup> Id.

<sup>16</sup> Entitled “THE MAGNA CARTA FOR PUBLIC SCHOOL TEACHERS.” Approved: June 18, 1966.

<sup>17</sup> *Rollo*, pp. 41-42.

<sup>18</sup> *CA rollo*, pp. 35-39.

<sup>19</sup> *Rollo*, p. 42.

<sup>20</sup> Id.

<sup>21</sup> Id.

<sup>22</sup> Id. at 69-74.

<sup>23</sup> Id. at 74.

<sup>24</sup> Id. at 75-78.

<sup>25</sup> Id. at 75.

Without elevating the case to the PRC, Alo directly filed a petition for review<sup>26</sup> with the CA under Rule 43 of the Rules of Court.<sup>27</sup>

On September 3, 2013, the CA issued a Minute Resolution<sup>28</sup> requiring the Board and the PRC, which was impleaded in the petition, to file their comment on Alo's petition for review.<sup>29</sup> However, since the Board and the PRC failed to file their comment within the reglementary period, the CA deemed that they waived the filing of their comment and submitted the instant case for decision without comment.<sup>30</sup>

On February 12, 2014, the CA rendered the assailed Decision,<sup>31</sup> granting Alo's petition for review and reversing the ruling of the Board, to wit:

WHEREFORE, premises considered, the instant petition for review is GRANTED and the September 11, 2012 Decision and March 15, 2013 Order of respondent Board for Professional Teachers are REVERSED and SET ASIDE. Accordingly, petitioner is EXONERATED of the charge against her.

SO ORDERED.<sup>32</sup>

In ruling for Alo, the CA held that the evidence on record was utterly insufficient to sustain the Board's finding that Alo committed fraud or falsification in securing her certificate of registration and professional license.<sup>33</sup> The special prosecutor in this case failed to present not only the alleged falsified Board Resolution No. 671 used by Alo, but also the authentic and original copy of the said board resolution itself.<sup>34</sup> The said documents were never a part of, or attached to the record of the case.<sup>35</sup> Given this, the CA gave credence to Alo's assertion that she never knew of the existence of the questioned board resolution, more so her assertion that she never falsified the same.<sup>36</sup> Therefore, not only did the prosecutor fail to prove that there was falsification and that Alo was the one who committed it, the prosecutor also failed to present in evidence the *corpus delicti* of the alleged falsification.<sup>37</sup>

---

<sup>26</sup> CA rollo, pp. 7-18.

<sup>27</sup> Rollo, p. 19.

<sup>28</sup> CA rollo, p. 47.

<sup>29</sup> Rollo, p. 43.

<sup>30</sup> Id.

<sup>31</sup> Id. at 40-47.

<sup>32</sup> Id. at 47.

<sup>33</sup> Id. at 43-44.

<sup>34</sup> Id. at 44.

<sup>35</sup> Id.

<sup>36</sup> Id.

<sup>37</sup> Id.

Moreover, the CA ruled that the Board was wrong in applying the disputable presumption rule under Rule 131, Section 3(j) of the Rules of Court, which provides:<sup>38</sup>

(j) That a person found in possession of a thing taken in the doing of a recent wrongful act is the taker and doer of the whole act; otherwise, that things which a person possesses, or exercise acts of ownership over, are owned by him or her.

The CA held that the Board's application of the foregoing presumption is fundamentally flawed because Alo was not accused of falsifying her license, but an alleged Board Resolution No. 671 submitted by Alo to secure her license.<sup>39</sup> Given that the license was an authentic document, the prosecution failed to prove by substantial evidence, the falsification of the alleged Board Resolution No. 671, which, as discussed earlier, was not even presented as evidence.<sup>40</sup>

Lastly, the CA took note of Alo's assertion that she did not need any board resolution to apply for a certificate of registration and professional license as she applied for the same under Section 26 (C) of RA 7836, which provides:<sup>41</sup>

*Sec. 26. Registration and Exception.* — Two (2) years after the effectivity of this Act, no person shall engage in teaching and/or act as a professional teacher as defined in this Act, whether in the preschool, elementary or secondary level, unless he is a duly registered professional teacher, and a holder of a valid certificate of registration and a valid professional license or a holder of a valid special/temporary permit.

x x x x

(c) Not qualified under paragraphs one and two but with any of the following qualifications. to wit:

(1) An elementary or secondary teacher for five (5) years in good standing and a holder of Bachelor of Science in Education or its equivalent; or

(2) An elementary or secondary teacher for three (3) years in good standing and a holder of a master's degree in education or its equivalent.

Provided, That they shall be given two (2) years from the organization of the Board for professional teachers within which to register and be included in the roster of professional teachers: Provided, further, That those incumbent teachers who are not qualified to register without examination under this Act or who, albeit qualified, were unable to register within the two-year period shall be issued a five-year temporary or special permit from the time the Board is organized within which to register after passing the examination and complying with the requirements provided this Act and be included in the roster of professional teachers: Provided, furthermore, That those who have failed the

---

<sup>38</sup> *Id.*

<sup>39</sup> *Id.* at 44-45.

<sup>40</sup> *Id.* at 45.

<sup>41</sup> *Id.* at 46.

licensure examination for professional teachers shall be eligible as para-teachers and as such, shall be issued by the Board a special or temporary permit, and shall be assigned by the Department of Education, Culture and Sports (DECS) to schools as it may determine under the circumstances.

The Board argued that Alo's right to apply for a certificate of registration and professional license had already prescribed, pursuant to the last paragraph of the aforementioned provision and its own Board Resolution No. 600, Series of 1997 (BPT Resolution 600-1997), which provided that "those who fail to register by September 2000 shall forfeit their privilege to practice the teaching profession for abandonment of responsibility."<sup>42</sup> According to the Board, since Alo only applied in September 2007, way beyond the prescriptive period, she already lost her entitlement under the law.<sup>43</sup>

However, the CA ruled that this issue was never mentioned in the formal charge against Alo, and stressed that she was charged with falsification only.<sup>44</sup> Therefore, she was not apprised of the Board's foregoing reason for the revocation of her license and certificate of registration, and consequently, her right to due process was denied.<sup>45</sup> Given this, the CA exonerated Alo of the charges lodged against her.<sup>46</sup>

Aggrieved, the Board and the PRC filed a motion for reconsideration, wherein they attached a copy of the original Board Resolution No. 671.<sup>47</sup> However, this motion was denied in a resolution dated September 12, 2014, to wit:

WHEREFORE, finding no cogent reason to disturb Our assailed decision, the instant motion for reconsideration is DENIED.

SO ORDERED.<sup>48</sup>

Hence, the instant petition, which essentially raises following -

### Issues

1) Whether or not the CA has jurisdiction to directly review the Board's decision, considering that the same belongs to the PRC; and

2) Whether or not the Board correctly found respondent guilty of falsification and accordingly revoked her certificate of registration and professional license.<sup>49</sup>

---

<sup>42</sup> Id.

<sup>43</sup> Id.

<sup>44</sup> Id.

<sup>45</sup> Id.

<sup>46</sup> Id.

<sup>47</sup> Id. at 48.

<sup>48</sup> Id. at 50.

<sup>49</sup> Id. at 21.

## Our Ruling

The petition is granted.

### **The CA has jurisdiction of the case.**

The PRC argues that the CA has no jurisdiction to directly review the September 11, 2012 decision of the Board.<sup>50</sup> To support this contention, the PRC cites Section 9(c) of RA 8981,<sup>51</sup> which enumerates the powers of the Board, including the power to make decisions, and the mode of appeal of an aggrieved party, to wit:<sup>52</sup>

*Section 9. Powers, Functions and Responsibilities of the Various Professional Regulatory Boards* – The various professional regulatory boards shall retain the following powers, functions and responsibilities:

x x x x

(c) To hear and investigate cases arising from violations of their respective laws, the rules and regulations promulgated thereunder and their Codes of Ethics and, for this purpose, may issue summons, subpoena and subpoena duces tecum to alleged violators and/or witnesses to compel their attendance in such investigations or hearings: Provided, That, the decision of the Professional Regulatory Board shall, unless appealed to the Commission, become final and executory after fifteen (15) days from receipt of notice of judgment or decision;

The PRC maintains that it implements the above provision through their own Resolution No. 2013-775.<sup>53</sup> Section 1 thereof states:<sup>54</sup>

*Section 1. Appeal, Period Non-Extendible.* – The decision or the order of the Board that completely disposes of the case shall be final and executory after the lapse of fifteen (15) days from receipt thereof without an appeal being perfected or taken by either party. The aggrieved part may file a notice of appeal to the Commission together with appellant's brief or memorandum on appeal, copy furnished the adverse party, within fifteen (15) days from receipt of the decision or order, and shall pay the appeal and legal research fees.

The period for perfecting an appeal shall be non-extendible. (Underscored supplied)

This argument holds no water.

---

<sup>50</sup> Id. at 22.

<sup>51</sup> Entitled "AN ACT MODERNIZING THE PROFESSIONAL REGULATION COMMISSION, REPEALING FOR THE PURPOSE PRESIDENTIAL DECREE NUMBERED TWO HUNDRED AND TWENTY-THREE, ENTITLED 'CREATING THE PROFESSIONAL REGULATION COMMISSION AND PRESCRIBING ITS POWERS AND FUNCTIONS,' AND FOR OTHER PURPOSES." Approved December 5, 2000.

<sup>52</sup> *Rollo*, p. 22.

<sup>53</sup> Id.

<sup>54</sup> Id.

Preliminarily, it must be reiterated that jurisdiction is defined as the power and authority of a court to hear, try, and decide a case.<sup>55</sup> In order for the court or an adjudicative body to have authority to dispose of the case on the merits, it must acquire, among others, jurisdiction over the subject matter.<sup>56</sup>

This Court has long held that jurisdiction over the subject matter is the power to hear and determine the general class to which the proceedings in question belong; it is conferred by law and not by the consent or acquiescence of any or all of the parties or by erroneous belief of the court that it exists.<sup>57</sup>

The above-cited provisions by the PRC, while showing that they may have appellate jurisdiction over decisions or orders of the Board, does not divest the CA of its own appellate jurisdiction. To put it simply, there is no law granting the PRC exclusive appellate jurisdiction over cases decided by the Board, nor is there any law excluding such cases from being taken cognizance by the CA through a petition for review under Rule 43 of the Rules of Court, as will be discussed further below.

A cursory reading of *Batas Pambansa Bilang 129*<sup>58</sup> (BP 129) or the Judiciary Reorganization Act of 1980, as amended, would show the extent of the CA's jurisdiction. Section 9 of BP 129, as amended by RA 7902<sup>59</sup> provides:

Sec. 9. *Jurisdiction.* — The Court of Appeals shall exercise:

(1) Original jurisdiction to issue writs of mandamus, prohibition, certiorari, habeas corpus, and quo warranto, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction;

(2) Exclusive original jurisdiction over actions for annulment of judgment of Regional Trial Courts; and

(3) Exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions, including the Securities and Exchange Commission, the Social Security Commission, the Employees Compensation Commission and the Civil Service Commission, except those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution, the Labor Code of the Philippines under Presidential Decree No. 442, as amended, the provisions of this Act, and of subparagraph (1) of the third paragraph and subparagraph (4) of the fourth paragraph of Section 17 of the Judiciary Act of 1948.

<sup>55</sup> *Foronda-Crystal v. Son*, 821 Phil. 1033 (2017).

<sup>56</sup> *Id.*

<sup>57</sup> *El Dorado Consulting Realty and Development Group Corp. v. Pacific Union Insurance Company*, G.R. Nos. 245617 & 245836, November 10, 2020.

<sup>58</sup> Entitled "AN ACT REORGANIZING THE JUDICIARY, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES." Approved: August 14, 1981.

<sup>59</sup> Entitled "AN ACT EXPANDING THE JURISDICTION OF THE COURT OF APPEALS, AMENDING FOR THE PURPOSE SECTION NINE OF BATAS PAMBANSA BLG. 129, AS AMENDED, KNOWN AS THE JUDICIARY REORGANIZATION ACT OF 1980." Approved: February 23, 1995.



The Court of Appeals shall have the power to try cases and conduct hearings, receive evidence and perform any and all acts necessary to resolve factual issues raised in cases falling within its original and appellate jurisdiction, including the power to grant and conduct new trials or further proceedings. Trials or hearings in the Court of Appeals must be continuous and must be completed within three (3) months, unless extended by the Chief Justice. (Underscoring supplied)

Rule 43 of the Rules of Court is consistent with the aforequoted provision, particularly Section 9(3) of BP 129, which grants the CA exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of RTCs and quasi-judicial agencies, instrumentalities, boards or commissions. Rule 43 of the Rules of Court provides:

#### RULE 43

##### Appeals From the Court of Tax Appeals and Quasi-Judicial Agencies to the Court of Appeals

Section 1. *Scope.* — This Rule shall apply to appeals from judgments or final orders of the Court of Tax Appeals and from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions. Among these agencies are the Civil Service Commission, Central Board of Assessment Appeals, Securities and Exchange Commission, Office of the President, Land Registration Authority, Social Security Commission, Civil Aeronautics Board, Bureau of Patents, Trademarks and Technology Transfer, National Electrification Administration, Energy Regulatory Board, National Telecommunications Commission, Department of Agrarian Reform under Republic Act No. 6657, Government Service Insurance System, Employees Compensation Commission, Agricultural Invention Board, Insurance Commission, Philippine Atomic Energy Commission, Board of Investments, Construction Industry Arbitration Commission, and voluntary arbitrators authorized by law.

Section 2. *Cases not covered.* — This Rule shall not apply to judgments or final orders issued under the Labor Code of the Philippines.

xxxx (Underscoring supplied)

It is clear from the above provisions that a Rule 43 petition to the CA includes all awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions, except those under the Labor Code of the Philippines. Pertinently, this Court has ruled that the list of quasi-judicial entities found in Section 1, Rule 43 of the Rules of Court is not exclusive. The case of *United Coconut Planters Bank v. E. Ganzon, Inc.*<sup>60</sup> explains:

Section 1, Rule 43 of the 1997 Revised Rules of Civil Procedure merely mentions several quasi-judicial agencies without exclusivity in the phraseology. The enumeration of the agencies therein mentioned is not exclusive. The introductory phrase "[a]mong these agencies are" preceding the enumeration of specific quasi-judicial agencies only highlights the fact that the list is not meant to be exclusive

<sup>60</sup> 609 Phil. 104 (2009).

or conclusive. Further, the overture stresses and acknowledges the existence of other quasi-judicial agencies not included in the enumeration but should be deemed included.<sup>61</sup> (Underscoring supplied)

With this in mind, the question now is whether the Board is considered a quasi-judicial agency that exercised quasi-judicial powers when it issued its Decision dated September 11, 2012. Jurisprudence provides a guide on what may be considered as a quasi-judicial entity and what it means to exercise quasi-judicial functions, to wit:

A quasi-judicial agency or body is an organ of government other than a court and other than a legislature, which affects the rights of private parties through either adjudication or rule-making. The very definition of an administrative agency includes its being vested with quasi-judicial powers. The ever increasing variety of powers and functions given to administrative agencies recognizes the need for the active intervention of administrative agencies in matters calling for technical knowledge and speed in countless controversies which cannot possibly be handled by regular courts. A "quasi-judicial function" is a term which applies to the action, discretion, etc. of public administrative officers or bodies, who are required to investigate facts, or ascertain the existence of facts, hold hearings, and draw conclusions from them, as a basis for their official action and to exercise discretion of a judicial nature.<sup>62</sup> (Underscoring supplied)

As applied in this case, the Board is clearly vested with quasi-judicial power. Section 9(c) of RA 8981 provides:

*Section 9. Powers, Functions and Responsibilities of the Various Professional Regulatory Boards* – The various, professional regulatory boards shall retain the following powers, functions and responsibilities:

x x x x

(c) To hear and investigate cases arising from violations of their respective laws, the rules and regulations promulgated thereunder and their Codes of Ethics and, for this purpose, may issue summons, subpoena and subpoena duces tecum to alleged violators and/or witnesses to compel their attendance in such investigations or hearings: Provided, That, the decision of the Professional Regulatory Board shall, unless appealed to the Commission, become final and executory after fifteen (15) days from receipt of notice of judgment or decision; (Underscoring supplied)

The Board, by virtue of the power vested in it by the provision above, clearly exercised its quasi-judicial functions when it investigated the case, held a hearing, and issued a decision that affected the rights of a private party, herein respondent Alo.

---

<sup>61</sup> Id. at 121-122.

<sup>62</sup> Id. at 122.

Given this, there is no question that the September 11, 2012 Decision of the Board is covered by the jurisdiction of the CA and can be subject of a Rule 43 petition.

**While the CA has jurisdiction, Alo failed to exhaust all administrative remedies, and thus, under the doctrine of exhaustion of administrative remedies, her case must be dismissed for lack of cause of action.**

Despite having established that the CA has jurisdiction over the subject matter of the case, the question of giving due course to the Rule 43 petition is a different issue.

The PRC laments the fact that Alo disregarded its procedural rules as quoted earlier, and that it was not given any chance to review the decision of the Board.<sup>63</sup> It argues that under the rule on exhaustion of administrative agencies, courts must allow the administrative agencies to carry out their functions and discharge their responsibilities within the specialized areas of their respective competence; premature resort to the courts necessarily becomes fatal to the cause of action.<sup>64</sup>

The Court agrees.

The doctrine of exhaustion of administrative remedies is grounded on practical reasons, including allowing the administrative agencies concerned to take every opportunity to correct its own errors, as well as affording the litigants the opportunity to avail of speedy relief through the administrative processes and sparing them of the laborious and costly resort to courts.<sup>65</sup>

In *Republic of the Philippines v. Lacap*,<sup>66</sup> this Court explained the rationale behind the doctrine of exhaustion of administrative remedies as follows:

The general rule is that before a party may seek the intervention of the court, he should first avail of all the means afforded him by administrative processes. The issues which administrative agencies are authorized to decide should not be summarily taken from them and submitted to a court without first giving such administrative agency the opportunity to dispose of the same after due deliberation.

---

<sup>63</sup> CA rollo, p. 23.

<sup>64</sup> Id.

<sup>65</sup> *The Roman Catholic Bishop of Malolos, Inc. v. The Heirs of Mariano Marcos*, G.R. No. 225971, June 17, 2020.

<sup>66</sup> 546 Phil. 87, 96-97 (2007).

Corollary to the doctrine of exhaustion of administrative remedies is the doctrine of primary jurisdiction; that is, courts cannot or will not determine a controversy involving a question which is within the jurisdiction of the administrative tribunal prior to the resolution of that question by the administrative tribunal, where the question demands the exercise of sound administrative discretion requiring the special knowledge, experience and services of the administrative tribunal to determine technical and intricate matters of fact.

Of course, this general rule allows for some exceptions, which have been repeatedly outlined by this Court. The case of *The Roman Catholic Bishop of Malolos, Inc. v. The Heirs of Mariano Marcos*,<sup>67</sup> citing previous jurisprudence, provides:

However, this principle is not inflexible, and admits of several exceptions that include situations where the very rationale of the doctrine has been defeated. The Court has taken many occasions to outline these exceptions, including its observation in *Samar II Electric Cooperative, Inc., et al. v. Seludo, Jr.*, to wit:

True, the doctrines of primary jurisdiction and exhaustion of administrative remedies are subject to certain exceptions, to wit: (a) where there is estoppel on the part of the party invoking the doctrine; (b) where the challenged administrative act is patently illegal, amounting to lack of jurisdiction; (c) where there is unreasonable delay or official inaction that will irretrievably prejudice the complainant; (d) where the amount involved is relatively so small as to make the rule impractical and oppressive; (e) where the question involved is purely legal and will ultimately have to be decided by the courts of justice; (f) where judicial intervention is urgent; (g) where the application of the doctrine may cause great and irreparable damage; (h) where the controverted acts violate due process; (i) where the issue of non-exhaustion of administrative remedies has been rendered moot; (j) where there is no other plain, speedy and adequate remedy; (k) where strong public interest is involved; and (l) in quo warranto proceedings.

However, the records would show that none of these exceptions are present in this case. Alo filed the petition for review with the CA on May 2, 2013 without any justification or reason on why she did not file an appeal with the PRC instead, considering that the latter is the proper procedure and it was still within the 15-day reglementary period. Not only is this a blatant disregard of procedural rules, but also a denial of an opportunity for the PRC to review the Board's decision and if necessary, correct or modify the same, without resorting to the judiciary and unnecessarily adding to the courts' already clogged dockets. This is definitely contrary to the rule on exhaustion of administrative remedies, and thus, the CA should have dismissed the petition for lack of cause of action.

---

<sup>67</sup> Supra.

**Alo was never qualified under the law to obtain a professional teaching license and certificate of registration. Moreover, she applied for registration way beyond the prescriptive period under the law.**

In any event, even if we consider the merits of the case in the interest of substantial justice, the PRC is correct in pointing out that Alo, who is a non-passer of the professional teacher's board examinations, was patently not qualified to obtain a professional teacher's license and a certificate of registration under Section 26 (C) of RA 7836.

Section 26 of RA 7836 provides:

Sec. 26. Registration and Exception. — Two (2) years after the effectivity of this Act, no person shall engage in teaching and/or act as a professional teacher as defined in this Act, whether in the preschool, elementary or secondary level, unless he is a duly registered professional teacher, and a holder of a valid certificate of registration and a valid professional license or a holder of a valid special/temporary permit.

Upon approval of the application and payment of the prescribed fees, the certificate of registration and professional license as a professional teacher shall be issued without examination as required in this Act to a qualified applicant, who at the time of the approval of this Act, is:

(a) A holder of a certificate of eligibility as a teacher issued by the Civil Service Commission and the Department of Education, Culture and Sports;

(b) A registered professional teacher with the National Board for Teachers under the Department of Education, Culture and Sports (DECS) pursuant to Presidential Decree No. 1006; or

(c) Not qualified under paragraphs one and two but with any of the following qualifications, to wit:

(1) An elementary or secondary teacher for five (5) years in good standing and a holder of Bachelor of Science in Education or its equivalent; or

(2) An elementary or secondary teacher for three (3) years in good standing and a holder of a master's degree in education or its equivalent.

Provided, That they shall be given two (2) years from the organization of the Board for professional teachers within which to register and be included in the roster of professional teachers: Provided, further, That those incumbent teachers who are not qualified to register without examination under this Act or who, albeit qualified, were unable to register within the two-year period shall be issued a five-year temporary or special permit from the time the Board is organized within which to register after passing the examination and complying with the requirements provided this Act and be included in the roster of professional

teachers: Provided, furthermore, That those who have failed the licensure examination for professional teachers shall be eligible as para-teachers and as such, shall be issued by the Board a special or temporary permit, and shall be assigned by the Department of Education, Culture and Sports (DECS) to schools as it may determine under the circumstances. (Underscoring supplied)

In implementing the above provision, the Board then issued BPT Resolution 600-1997, which provides that qualified applicants under Section 26 (C) of RA 7836 must be incumbent teachers, full-time or part-time, in public and private schools at the pre-school, elementary and secondary levels as of December 16, 1994 and have at least five years of experience.<sup>68</sup>

Evidently, since Alo only graduated from college in April 1995,<sup>69</sup> and she admitted to have commenced her continuous service as an elementary public school teacher also in 1995,<sup>70</sup> she could not have been eligible to be an applicant under Section 26 (C) of RA 7836 as the basis of incumbency is reckoned as of December 16, 1994.<sup>71</sup>

Moreover, while under Section 26 of RA 7836, incumbent teachers without examination were originally only allowed to apply for registration within two years from the organization of the Board, BPT Resolution 600-1997 extended the period of registration for those teachers to September 19, 2000.<sup>72</sup> Failure to register by September 19, 2000 shall forfeit their privilege to practice the teaching profession for abandonment of responsibility.<sup>73</sup>

*St. Mary's Academy v. Palacio*<sup>74</sup> expounds on the history of BPT Resolution 600-1997, to wit:

Pursuant to RA 7836, the PRC formulated certain rules and regulations relative to the registration of teachers and their continued practice of the teaching profession. Specific periods and deadlines were fixed within which incumbent teachers must register as professional teachers in consonance with the essential purpose of the law in promoting good quality education by ensuring that those who practice the teaching profession are duly licensed and are registered as professional teachers.

Under DECS Memorandum No. 10, S. 1998, the Board for Professional Teachers (BPT), created under the general supervision and administrative control of the PRC, was organized on September 20, 1995 so that, in the implementation of Sections 26, 27 and 31 of RA 7836, incumbent teachers as of December 16, 1994 have until September 19, 1997 to register as professional teachers. The Memorandum further stated that a Memorandum of Agreement (MOA) was subsequently entered into by the PRC, Civil Service Commission (CSC) and DECS to further allow those teachers who failed to register by September 19,

---

<sup>68</sup> *Rollo*, p. 105.

<sup>69</sup> *Id.* at 248.

<sup>70</sup> *Id.* at 253.

<sup>71</sup> *Id.* at 106

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> 644 Phil. 532 (2010).

h

1997 to continue their service and register. BPT Resolution No. 600, s. 1997 was thereafter passed to provide the guidelines to govern teacher registration beyond September 19, 1997. Consequently, the deadline was moved to September 19, 2000.

Pursuant to the aforesaid law, resolution and memorandum, effective September 20, 2000, only holders of valid certificates of registration, valid professional licenses and valid special/temporary permits can engage in teaching in both public and private schools. Clearly, respondents, in the case at bar, had until September 19, 2000 to comply with the mandatory requirement to register as professional teachers. As respondents are categorized as those not qualified to register without examination, the law requires them to register by taking and passing the licensure examination.<sup>75</sup> (Underscoring supplied)

Given the above, even if we consider only for the sake of argument that Alo is a qualified applicant, then she must be deemed to have forfeited her privilege to practice the teaching profession for failure to register by September 19, 2000. She admitted to have only applied for registration in September 2007,<sup>76</sup> seven years from the deadline provided under BPT Resolution 600-1997. Clearly, she cannot anymore register as an applicant under Section 26 of RA 7836, and thus, if she wants to register as a professional teacher, she can only do so by taking and passing the licensure examination, which she did not.

**Alo's right to due process was not violated when the Board declared that she was not qualified for registration under Section 26 of RA 7836.**

The CA erred in ruling that Alo's right to due process was violated insofar as the Board declared that she was not qualified for registration under Section 26 of RA 7836.

While the formal charge was for the use of fraud or deceit in obtaining a certificate of registration and professional license, constituting unprofessional conduct and/or dishonorable conduct, particularly in using Board Resolution No. 671, the records would show that it was Alo herself who brought up her qualification under Section 26 of RA 7836.<sup>77</sup> Given this, it makes no sense to argue that Alo had been denied due process with respect to her qualification under Section 26 of RA 7836, when she was the one who raised the issue in the first place, and because of this, the Board had to rule on such issue as the same was tied into Alo's defense.

---

<sup>75</sup> Id. at 545-547.

<sup>76</sup> *Rollo*, p. 254.

<sup>77</sup> Id. at 253-255.

It must be emphasized that administrative due process cannot be fully equated with due process in its strict judicial sense. The essence of due process is simply to be heard, or as applied to administrative proceedings, a fair and reasonable opportunity to explain one's side. In *Ang Tibay v. Court of Industrial Relations*,<sup>78</sup> the Court laid down the cardinal rights of parties in administrative proceedings, summarized as follows:

- (1) The right to a hearing, which includes the right to present one's case and submit evidence in support thereof;
- (2) The tribunal must consider the evidence presented;
- (3) The decision must have something to support itself;
- (4) The evidence must be substantial;
- (5) The decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected;
- (6) The tribunal or body or any of its judges must act on its or his own independent consideration of the law and facts of the controversy and not simply accept the views of a subordinate in arriving at a decision; and
- (7) The board or body should, in all controversial questions, render its decision in such a manner that the parties to the proceeding can know the various issues involved, and the reason for the decision rendered.<sup>79</sup>

As applied in this case, administrative due process was fully observed when Alo was given full opportunity to adduce her own evidence, present her side, and expound the same in her counter-affidavit and position paper.

**The CA erred in reversing and setting aside the Board's decision.**

To reiterate, the formal charge against Alo was for "use of fraud or deceit in obtaining a Certificate of Registration and Professional License, unprofessional conduct and/or dishonorable conduct."<sup>80</sup> This was allegedly committed when Alo "used a falsified Board Resolution No. 671 dated September 28, 2000" when she registered as a professional teacher on September 14, 2007.<sup>81</sup>

---

<sup>78</sup> 69 Phil. 635 (1940).

<sup>79</sup> Id. at 642-644.

<sup>80</sup> *Rollo*, p. 30.

<sup>81</sup> Id.



A copy of the original Board Resolution No. 671,<sup>82</sup> which was attached to the Board and PRC's motion for reconsideration filed with the CA, provides a list of professional teachers without examination who have applied for registration pursuant to Section 26 of RA 7836. The list does not include the name of Alo.<sup>83</sup>

While it may be true that there is no evidence that Alo did attach a falsified copy of Board Resolution No. 671 in her application, she nonetheless falsely represented that her name was included in the said board resolution as evidenced by the fact that she deliberately wrote the notation "671 s'2000 E/C" at the dorsal portion thereof under Board Res./Approved Letter (Number & Date) when she filled out the Registry Book for Teachers with Serial No. RS-AA 0080206.<sup>84</sup> Alo, by writing such notation, clearly represented that she was qualified to be registered under such board resolution, even though she was actually not.

Logically, the mere fact that she represented herself as one of those who have applied for registration under such board resolution, despite not being on the list, would mean that she either 1) relied on a fake/falsified copy of Board Resolution No. 671, or 2) deliberately misrepresented her qualifications when she applied for her professional license and certificate of registration in September 2007. With respect to the former scenario, even if she is given the benefit of the doubt that she relied on a fake or falsified board resolution without any intention to deceive the Board and the PRC, the fact that she alleged to have never known that Board Resolution No. 671 even existed and that she has only heard of it for the first time when she was charged,<sup>85</sup> despite the records showing that she wrote a notation referencing said board resolution on the registry, is already dubious and shows unprofessional/dishonorable conduct.

Considering the above, there is no doubt that the Board's Decision dated September 11, 2012, finding Alo guilty and consequently, revoking her certificate of registration and license as a professional teacher, was supported by substantial evidence. Therefore, there was no cogent reason for the Board's decision to be reversed and set aside by the CA.

**WHEREFORE**, the petition is **GRANTED**. The February 12, 2014 Decision and September 12, 2014 Resolution of the Court of Appeals in CA-G.R. SP No. 129993, are hereby **REVERSED** and **SET ASIDE**. The September 11, 2012 Decision of the Board for Professional Teachers is **REINSTATED**.

---


<sup>82</sup> Id. at 221-224.

<sup>83</sup> Id.


<sup>84</sup> Id. at 301 and 303-304.

<sup>85</sup> Id. at 254.


SO ORDERED.

  
RAMON PAUL L. HERNANDO  
*Associate Justice*

WE CONCUR:

  
ESTELA M. PERLAS-BERNABE  
*Senior Associate Justice*  
*Chairperson*


  
HENRI JEAN PAUL B. INTING  
*Associate Justice*

  
SAMUEL H. GAERLAN  
*Associate Justice*

  
JAPAR B. DIMAAMPAO  
*Associate Justice*


## ATTESTATION

I attest 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's Division.

  
**ESTELA M. PERLAS-BERNABE**  
*Senior Associate Justice*  
*Chairperson*

## CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, 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's Division.

  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*