

## **Senate Inquiry on Complaints against the Implementation of Republic Act No. 10912 (RA 10912) or the Continuing Professional Development Act of 2016**

### **I. BACKGROUND**

RA 10912 lapsed into law on July 21, 2016 and took effect on August 16, 2016. Its IRR or Resolution No. 1032, otherwise known as the “Implementing Rules and Regulations (IRR) of Republic Act No. 10912” was published on February 28, 2017 and took effect on March 15, 2017.

RA 10912 requires the submission of Continuing Professional Development (CPD) units for the renewal of Professional Identification Card (PIC) of professionals, and for that purpose, the IRR provides for the schedule of implementation, to wit—

<b>PIC RENEWAL PERIOD</b>	<b>MINIMUM CUs REQUIRED FOR THE PROFESSION</b>
January-June 2017	0%
July-December 2017	30%
January-December 2018	60%
January 2019 onwards	100%

The Professional Regulation Commission (PRC) maintains the implementation of the foregoing except for Professional Regulatory Boards (PRBs) who, after stakeholders’ consultation, have agreed to move its implementation to 2018. Contrary to the claim of some critics and misinterpretations coming from the media, there are no exemptions as to the CPD-unit requirements.

RA 10912 was enacted “to promote and upgrade the practice of profession in the country ... [and to] ... improve the competence of the professionals in accordance with the international standards of practice, thereby, ensuring their contribution in uplifting the general welfare, economic growth and development of the nation,”<sup>1</sup> a purpose that even critics of and complainants against the CPD Act or its implementation dare not question. The importance of the CPD cannot be overemphasized as the practice of the profession is imbued with public interest.

RA 10912 is arguably a giant step—albeit a necessary one—undertaken to enhance the competitiveness of Filipino professionals and to open more opportunities in the national as well as in the international level, especially as the ASEAN economic community integration has already commenced. As expected, a deluge of criticisms and complaints swarmed PRC, the agency tasked to implement RA 10912. Recently, the PRC and the CPD program have been relentlessly taking a beating on social media not only through negative comments but also through online petitions and in various news outlets.

Hence, the upcoming Senate inquiry.<sup>2</sup>

### **II. ISSUES**

In general, criticisms and complaints against the implementation of RA 10912, as summed up in the Philippine Daily Inquirer’s news article<sup>3</sup> of its interview with Hon. Sen.

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<sup>1</sup>Section 2, RA 10912.

<sup>2</sup>P.S. RES. NO. 441 of the Senate dated July 25, 2017.

Antonio Trillanes IV and in P.S. Res. No. 441 of the Senate of the Philippines, revolve around the AFFORDABILITY and ACCESSIBILITY of CPD programs, which are specifically broken down, as follows—

1. PROFESSIONALS, ESPECIALLY THOSE WHO ARE UNEMPLOYED, UNDEREMPLOYED OR WHO RECEIVE LOW WAGES, AND CASUAL OR CONTRACTUAL EMPLOYEES, MAY NOT BE ABLE TO AFFORD THE TRAININGS, SEMINARS, OR COURSES NEEDED TO ACQUIRE THE REQUIRED CPD UNITS FOR THE RENEWAL OF THEIR PIC;
2. PROFESSIONALS ASSIGNED IN FAR-FLUNG AREAS HAVE LESS ACCESS TO PRC-ACCREDITED INSTITUTIONS AND ARE COMPELLED TO TRAVEL TO MAJOR CITIES JUST TO PROCESS THEIR APPLICATIONS AND COMPLETE THE REQUIRED CPD UNITS;
3. THE PRC-ACCREDITED CPD PROVIDERS ARE LIMITED TO CURRENT PROVIDERS WHICH ARE PRIVATE INSTITUTIONS AND THE ACCREDITED INTEGRATED PROFESSIONAL ORGANIZATIONS (AIPOs) OR ACCREDITED PROFESSIONAL ORGANIZATIONS (APOs), ALLEGEDLY OFFERING EXPENSIVE TRAINING AND SEMINARS AND THE PRC DOES NOT RECOGNIZE IN-HOUSE TRAINING BY GOVERNMENT AGENCIES, SUCH AS THE DEPARTMENT OF EDUCATION (DepEd) AND OTHER COMPANIES, WHICH ARE ALREADY INSTITUTED AND ARE USUALLY FREE; AND

### III. DISCUSSIONS

PROFESSIONALS, ESPECIALLY THOSE WHO ARE UNEMPLOYED, UNDEREMPLOYED OR WHO RECEIVE LOW WAGES, AND CASUAL OR CONTRACTUAL EMPLOYEES, MAY NOT BE ABLE TO AFFORD THE TRAININGS, SEMINARS, OR COURSES NEEDED TO ACQUIRE THE REQUIRED CPD UNITS FOR THE RENEWAL OF THEIR PIC

Unemployment, underemployment, and casual or contractual employment have always been a cause for concern in Philippine society and will probably always be the case. In spite of this situation, however, professional development must move forward. Gone are the days when the PIC was obtained for the purpose only of identification at the option of the professional and the issuance thereof was merely ministerial on the part of the PRC.<sup>4</sup> The most “adversely affected” by the new law are those who have not been practicing their profession for a number of years yet religiously renew their PIC. Unless the certificate of good standing (COGS) is required, they also do not maintain membership in professional organizations. Under the new law, a professional is defined as a person who is registered and licensed to practice a profession in the Philippines and who holds a **valid** Certificate of Registration and **PIC** from the PRC.<sup>5</sup>

Considering that the subject law is new and in its implementation has caught many professionals unaware, the PRC may apply maximum flexibilities, but not exemptions, the latter having no legal basis.

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<sup>3</sup><http://news.info.inquirer.net/919304/senate-body-to-probe-holes-in-continuing-professional-devt-act>.

<sup>4</sup>Section 7(e), Republic Act No. 8981 or the PRC Modernization Act of 2004.

<sup>5</sup>Section 3(t), RA 10912.

In the case of the underemployed and casual or contractual employees, they still have avenues to earn free CPD units, like in-house trainings and seminars. The PRC has called on all government agencies, SUCs and GOCCS to apply as CPD providers. In exchange for providing free training and seminars to their employees, PRC will waive their registration fee as well as the accreditation fee for their CPD programs.<sup>6</sup> The PRC will ask the AIPOs and APOs to giving free trainings and seminars to their members as part of their social responsibility. Finally, and as a last resort, in case the professional is unable to comply with the 30% required CPD units from July – December 2017, they will be allowed to renew their PIC upon execution of an undertaking to complete the required CPD units for the compliance period.

The PRC and the PRBs will explore ways to make CPD more accessible to PWDs.

In the case of the unemployed and those to have chosen not to practice their profession, however, the renewal of their PIC should hardly be their concern. Even if it can be argued that they need their PIC for future employment, they still must go through trainings and seminars before they are employed for the protection and welfare of the public. With the new law, the PIC has gained a new meaning. It now becomes not only a proof of the professional's identity but more of his or her professional qualification. It is proof of professional expertise on which the public can rely.

PROFESSIONALS ASSIGNED IN FAR-FLUNG AREAS HAVE LESS ACCESS TO PRC-ACCREDITED INSTITUTIONS AND ARE COMPELLED TO TRAVEL TO MAJOR CITIES JUST TO PROCESS THEIR APPLICATIONS AND COMPLETE THE REQUIRED CPD UNITS

As for professionals working in remote areas and overseas, the PRC will encourage CPD providers to offer online courses, trainings and seminars with the necessary assessment tools. Mother chapters of AIPOs and APOs may also record seminars conducted and share these materials to overseas chapters and distant local chapters.

For the professionals working overseas, a mechanism is being prepared to recognize their in-service trainings and seminars provided by their employers. In addition, the percentage required for each learning track need not be strictly followed as long as the total number of required CPD units is met. They may also take CPD-related courses and seminars from non-accredited institutions in their host country and have the CPD units accredited under the self-directed modality.

THE PRC-ACCREDITED CPD PROVIDERS ARE LIMITED TO CURRENT PROVIDERS WHICH ARE PRIVATE INSTITUTIONS AND THE ACCREDITED INTEGRATED PROFESSIONAL ORGANIZATIONS (AIPOs) OR ACCREDITED PROFESSIONAL ORGANIZATIONS (APOs), ALLEGEDLY OFFERING EXPENSIVE TRAINING AND SEMINARS AND THE PRC DOES NOT RECOGNIZE IN-HOUSE TRAINING BY GOVERNMENT AGENCIES, SUCH AS THE DEPARTMENT OF EDUCATION (DepEd) AND OTHER COMPANIES, WHICH ARE ALREADY INSTITUTED AND ARE USUALLY FREE

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<sup>6</sup> Memorandum Circular No. 7 dated July 21, 2017.

The PRC is currently conducting a research-study to compare the present fees charged in the conduct of CPD programs. Eventually, it will issue operational guidelines which will require CPD providers to charge reasonable fees based on standard parameters.

Since the implementation of the CPD law is still in its initial stages, some professions have only a few CPD providers. This has led some CPD providers to take advantage of the law of supply and demand. The PRC, through the CPD councils, is therefore accelerating the processing of applications for CPD providers and programs. With more government agencies, SUCs, GOCCs and providers from the private sector being accredited, CPD programs will become more affordable due to fair competition.

The allegation by critics, complainants and some popular online petitions that “the PRC does not recognize in-house training by government agencies such as the Department of Education (DepEd) and other companies, which are already instituted and free,” is baseless. The PRC has never made announcements to that effect. In fact, the PRC will recognize programs which may be credited under the self-directed modality even if not from an accredited provider as long as it is proven that they enhance professional development.

#### **IV. CONCLUSION**

RA 10912 is an act of Congress which PRC, an agency attached of the Department of Labor and Employment (DOLE) under the Executive branch of the government, is tasked to implement despite the law being unfunded. PRC is taking efforts to make CPD more accessible to OFWs, PWDs, the underemployed and professionals in far-flung areas. The PRC, PRBs and CPDCs are exerting their best for the full realization of the CPD Act in spite of the challenges surrounding its implementation, particularly on its resources.

The resistance to accept CPD is perhaps due to lack of information and/or understanding of its value and its implementation. Professionals have to understand that the global trend is to upgrade one’s qualification through continuing professional development and it is the mandate of PRC to see to it that Filipino professionals are at par with their counterparts in other jurisdictions.

CPD is a learning activity, a part of our education. Our parents paid for our education from elementary to university and most of us even paid for post graduate education. One can view each CPD program as an investment since it will contribute to our professional growth and development. Education is not totally free as there is an attendant cost for learning. Investment in oneself is a long-term proposition with tangible returns being realized over time, depending on how the professional applies these learnings to actual professional practice.

#### **V. POST SCRIPT: ISSUES DISCUSSED DURING THE SENATE HEARING**

For professionals renewing their PIC from July – December 2017, PRC will credit training, convention or similar certificates earned over the past three years under the self-directed modality as compliance for the 30% minimum credit units (CUs) required.

There are professionals who were employed on the basis of their PRC license and PIC but in the course of their work were assigned to perform functions not related to their profession. A Memorandum of Agreement between the PRC and the Civil Service

Commission (CSC) was proposed in order to address this situation and establish equivalencies across various professions and/or career course.

The DOH will provide CDP training for health related professionals. However it does not provide training for non-health related professionals, such as engineers. This situation exists in many other government agencies. The DOLE Human Resource Development Service issues Local Training Invitations (sample attached) encouraging Heads of Agencies, Services, Bureaus, DOLE Regional Offices and Attached Agencies to allow their employees of various professions to attend conferences, conventions and training seminars conducted by CPD providers as part of Continuing Professional Development. Registration fees of participants shall be charged against the available funds of their offices subject to the usual accounting and auditing rules and procedures. And since the travel authority will be signed by the DOLE Secretary their participation will be considered on official time. This may be adopted by all government agencies.





Department of Labor and Employment  
**HUMAN RESOURCE DEVELOPMENT SERVICE**  
 Intramuros, Manila



**LOCAL TRAINING INVITATION**

Certificate No. TAJRIS-0048

**FOR: HEADS OF OFFICES, SERVICES, BUREAUS, DOLE REGIONAL OFFICES AND ATTACHED AGENCIES**

DEPARTMENT OF LABOR AND EMPLOYMENT  
 Administrative Services Center  
 DATE: 04 JUL 2017  
 TIME: 10:27  
 RECEIVED BY: [Signature]

*Violeta N. Muñoz*  
**VIOLETA N. MUÑOZ**

Director IV

Human Resource Development Service

DATE OF REFERRAL:

July 3, 2017

TITLE: \_\_\_\_\_ ENGINEERS ( ) CONVENTION AND CONFERENCES

DURATION:  
 as stipulated

VENUE:  
 as stipulated

SPONSOR/COORDINATING OFFICE:  
 Philippine Society of \_\_\_\_\_  
 Engineers ( )

DEADLINE OF REGISTRATION:  
 Prior the event or  
 Onsite registration

PREPARATION OF TRAVEL AUTHORITY:  
 Interested participants are advised to send their names to the HRDS for preparation of travel authority to be signed by the DOLE Secretary

**PROGRAM INFORMATION:**

1) The program aims to abreast changes in engineering and technology; the need to acquire a wide body of new knowledge and skills to adapt to those changes; and the need to fast track developing the resources to enable us to apply such knowledge and skills.

2) Attendance will likewise be considered in the Continuing Professional Development.

Registration Fee: Php \_\_\_\_\_ .00

Schedule:

July \_\_\_\_\_, 2017 - \_\_\_\_\_ Regional Conference,

August \_\_\_\_\_, 2017 - \_\_\_\_\_ Assembly,

September \_\_\_\_\_, 2017 - \_\_\_\_\_ Conference,

October \_\_\_\_\_, 2017 - National Convention,  
 Convention Center, Pasay City

**TARGET PARTICIPANTS**

\_\_\_\_\_ Engineers

**COST OF PARTICIPATION**

Shouldered by Sponsor/Coordinating Agency:

Shouldered by DOLE:

Registration fee of P \_\_\_\_\_ .00/ participant payable to the Philippine Society of \_\_\_\_\_ ( \_\_\_\_\_ ) shall be charged against the available funds of your office subject to the usual accounting and auditing rules and procedures.

Post-Training Requirement :

To submit report to the head of office within 5 days after the seminar, copy furnished the HRDS

**APPLICATION REQUIREMENTS/CONFIRMATION**

For any queries and/or clarifications, please call through telephone no. (02) 243-8497 or cellphone no.09987938404 /call Ms. Tina or Reg of DOLE-HRDS at (02) 527-3000 loc. 505/ email dolehrds.careerdev1@gmail.com