

**[ PRC RESOLUTION NO. 2009-511, May 22, 2009 ]**

**RULES/GUIDELINES ON THE PUBLICATION OF PROFESSIONAL  
REGULATION COMMISSION'S (PRC) AND PROFESSIONAL  
REGULATORY BOARD'S (PRBS) ISSUANCES EITHER IN THE  
OFFICIAL GAZETTE OR IN NEWSPAPER OF GENERAL  
CIRCULATION IN THE PHILIPPINES AS A CONDITION FOR THEIR  
EFFECTIVITY, AND THE NON-PUBLICATION OF OTHER  
ISSUANCES IN THE SAID MEDIA**

**WHEREAS**, issuances of PRC and PRB's, e.g., rules and regulations implementing R.A. No. 8981 and the professional regulatory laws (PRLs), "make" or "constitute" a new law with the force and effect of a valid law (Peralta vs. Civil Service Commission, 212 SCRA 425 [1992]);

**WHEREAS**, "administrative rules and regulations *must also* be published if their purpose is to enforce or implement existing law pursuant also to a valid delegation" (Tañada vs. Tuvera, 146 SCRA 454);

**WHEREAS**, Article 2 of the New Civil Code, Executive Order No. 200 (June 18, 1987), Section 18, Chapter 5, Book I of the 1987 Administrative Code, Supreme Court's pronouncements or rulings in Tañada vs. Tuvera, 146 SCRA 446, Philippine International Trading Corporation vs. Commission on Audit, 309 SCRA 177 (1999), and in other cases are the premises upon which publication of laws, presidential ordinances, *and rules and regulations whose purpose is to enforce or implement existing law pursuant to a valid delegation or to fill in details of a statute*"

**WHEREAS**, these issuances like statutes "must invariably affect the public interest even if it might be directly applicable only to one individual, or some of the people only, and to the public as a whole." (Tañada vs. Tuvera, 146 SCRA 45);

**WHEREAS**, publication is a requirement of the right of the people to information on matters of public concern, and its omission would offend due process insofar as it would deny the public knowledge of the laws, and it accords an opportunity that before the public is bound by the provision of the law, they must be published and the people officially and especially informed thereof xxx" (Tañada vs. Tuvera, 146 SCRA 446);

**WHEREAS**, "interpretative regulations and those merely internal in nature, that is, regulating only the *personnel* of the administrative agency and *not the public, need not be published*. Neither is publication required of the so-called letters of instructions issued by administrative superiors concerning the rules or guidelines to be followed by their subordinates in the performance of their duties" (Tañada vs. Tuvera, 146 SCRA 454);

**WHEREAS**, "no *publication* is required of the *instructions* issued by, say, the Minister of Social Welfare on the case studies made in petitions for adoption or the