

Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**HAZEL MA. C. ANTOLIN,**  
*Petitioner;*

**G.R. No. 165036**

- versus -

**ABELARDO T. DOMONDON,  
JOSE A. GANGAN, and  
VIOLETA J. JOSEF,**  
*Respondents.*

X -----X

**HAZEL MA. C. ANTOLIN**  
*Petitioner;*

**G.R. No. 175705**

Present:

- versus -

**CORONA, C. J.,** *Chairperson,*  
**VELASCO, JR.,**  
**LEONARDO-DE CASTRO,**  
**DEL CASTILLO,** *and*  
**PEREZ, JJ.**

**ANTONIETA FORTUNA-IBE,**  
*Respondent.*

Promulgated:  
July 5, 2010

X -----X

**D E C I S I O N**

**DEL CASTILLO, J.:**

Examinations have a two-fold purpose. First, they are summative; examinations are intended

to assess and record what and how much the students have learned. Second, and perhaps more importantly, they are formative; examinations are intended to be part and parcel of the learning process. In a perfect system, they are tools for learning. In view of the pedagogical aspect of national examinations, the need for all parties to fully ventilate their respective positions, and the view that government transactions can only be improved by public scrutiny, we remand these cases to the trial court for further proceedings.

### ***Factual Antecedents***

Petitioner took the accountancy licensure examinations (the Certified Public Accountant [CPA] Board Exams) conducted by the Board of Accountancy (the Board) in October 1997.<sup>[1]</sup> The examination results were released on October 29, 1997; out of 6,481 examinees, only 1,171 passed. Unfortunately, petitioner did not make it. When the results were released, she received failing grades in four out of the seven subjects.<sup>[2]</sup>

| Subject                 | Petitioners Grade |
|-------------------------|-------------------|
| Theory of Accounts      | 65 %              |
| Business Law            | 66 %              |
| Management Services     | 69 %              |
| Auditing Theory         | 82 %              |
| Auditing Problems       | 70 %              |
| Practical Accounting I  | 68 %              |
| Practical Accounting II | 77 %              |

Convinced that she deserved to pass the examinations, she wrote to respondent Abelardo T. Domondon (Domondon), Acting Chairman of the Board of Accountancy, and requested that her answer sheets be re-corrected.<sup>[3]</sup> On November 3, 1997, petitioner was shown her answer sheets, but these consisted merely of shaded marks, so she was unable to determine why she failed the exam.<sup>[4]</sup> Thus, on November 10, 1997, she again wrote to the Board to request for copies of (a) the questionnaire in each of the seven subjects (b) her answer sheets; (c) the answer keys to the questionnaires, and (d) an explanation of the grading system used in each subject (collectively, the Examination Papers).<sup>[5]</sup>

Acting Chairman Domondon denied petitioners request on two grounds: first, that

Section 36, Article III of the Rules and Regulations Governing the Regulation and Practice of Professionals, as amended by Professional Regulation Commission (PRC) Resolution No. 332, series of 1994, only permitted access to the petitioners answer sheet (which she had been shown previously), and that reconsideration of her examination result was only proper under the grounds stated therein:

Sec. 36 An examinee shall be allowed to have access or to go over his/her test papers or answer sheets on a date not later than thirty (30) days from the official release of the results of the examination. Within ten (10) days from such date, he/she may file his/her request for reconsideration of ratings. Reconsideration of rating shall be effected only on grounds of mechanical error in the grading of his/her testpapers or answer sheets, or malfeasance. <sup>[6]</sup>

Second, Acting Chairman Domondon clarified that the Board was precluded from releasing the Examination Papers (other than petitioners answer sheet) by Section 20, Article IV of PRC Resolution No. 338, series of 1994, which provides:

Sec. 20. *Illegal, Immoral, Dishonorable, Unprofessional Acts* The hereunder acts shall constitute prejudicial, illegal, grossly immoral, dishonorable, or unprofessional conduct:

A. Providing, getting, receiving, holding, using or reproducing questions

x x x x

3. that have been given in the examination except if the test bank for the subject has on deposit at least two thousand (2,000) questions. <sup>[7]</sup>

After a further exchange of correspondence, <sup>[8]</sup> the Board informed petitioner that an investigation was conducted into her exam and there was no mechanical error found in the grading of her test papers. <sup>[9]</sup>

### ***Proceedings before the Regional Trial Court***

Undeterred, on January 12, 1998, petitioner filed a Petition for Mandamus with Damages against the Board of Accountancy and its members <sup>[10]</sup> before the Regional Trial Court (RTC) of Manila. The case was raffled to Branch 33, and docketed as Civil Case No. 98-86881. The Petition included a prayer for the issuance of a preliminary mandatory injunction ordering the Board of Accountancy and its members (the respondents) to furnish

petitioner with copies of the Examination Papers. Petitioner also prayed that final judgment be issued ordering respondents to furnish petitioner with all documents and other materials as would enable her to determine whether respondents fairly administered the examinations and correctly graded petitioners performance therein, and, if warranted, to issue to her a certificate of registration as a CPA. [\[11\]](#)

On February 5, 1998, respondents filed their Opposition to the Application for a Writ of Preliminary Mandatory Injunction, and argued, *inter alia*, that petitioner was not entitled to the relief sought, that the respondents did not have the duty to furnish petitioner with copies of the Examination Papers, and that petitioner had other plain, speedy, adequate remedy in the ordinary course of law, namely, recourse to the PRC. [\[12\]](#) Respondents also filed their Answer with Compulsory Counterclaim in the main case, which asked that the Petition for Mandamus with Damages be dismissed for lack of merit on the following grounds: (1) petitioner failed to exhaust administrative remedies; (2) the petition stated no cause of action because there was no ministerial duty to release the information demanded; and (3) the constitutional right to information on matters of public concern is subject to limitations provided by law, including Section 20, Article IV, of PRC Resolution No. 338, series of 1994. [\[13\]](#)

On March 3, 1998, petitioner filed an Amended Petition (which was admitted by the RTC), where she included the following allegation in the body of her petition:

The allegations in this amended petition are meant only to plead a cause of action for access to the documents requested, not for re-correction which petitioner shall assert in the proper forum depending on, among others, whether she finds sufficient error in the documents to warrant such or any other relief. None of the allegations in this amended petition, including those in the following paragraphs, is made to assert a cause of action for re-correction. [\[14\]](#)

If only to underscore the fact that she was not asking for a re-checking of her exam, the following prayer for relief was deleted from the Amended Petition: and, if warranted, to issue to her a certificate of registration as a CPA.

On June 23, 1998, respondents filed a Manifestation and Motion to Dismiss Application for Writ of Preliminary Mandatory Injunction, on the ground that petitioner had taken and passed the May 1998 CPA Licensure Examination and had taken her oath as a CPA.

[15] Petitioner filed her Opposition on July 8, 1998. [16] Subsequently, on October 29, 1998, respondents filed their Answer with Counterclaim to the amended petition. They reiterated their original allegations and further alleged that there was no cause of action because at the time the Amended Petition was admitted, they had ceased to be members of the Board of Accountancy and they were not in possession of the documents sought by the petitioner. [17]

### *Ruling of the Regional Trial Court*

In an Order dated October 16, 1998, the trial court granted respondents Motion to Dismiss Petitioners Application for a Writ of Preliminary Mandatory Injunction (not the main case), ruling that the matter had become moot since petitioner passed the May CPA Licensure 1998 Examination and had already taken her oath as a CPA. [18]

Undaunted, petitioner sought and obtained leave to file a *Second* Amended Petition for Mandamus with Damages [19] where she finally impleaded the PRC as respondent and included the following plea in her prayer:

WHEREFORE, petitioner respectfully prays that:

X X X X

#### 2. Judgment be issued

(a) commanding respondents to give petitioner all documents and other materials as would enable her to determine whether respondents fairly administered the same examinations and correctly graded petitioners performance therein **and, if warranted, to make the appropriate revisions on the results of her examination.** (Emphasis ours)

On June 21, 2002, the trial court dismissed the petition on the ground that the petition had already become moot, since petitioner managed to pass the 1998 CPA Board examinations. [20] Petitioner sought reconsideration [21] which was granted by the trial court in its Omnibus Order [22] dated November 11, 2002. The Omnibus Order provides in part:

On the motion for reconsideration filed by the petitioner, the Court is inclined to reconsider its Order dismissing the petition. The Court agrees with the petitioner that the passing of the petitioner in the subsequent CPA examination did not render the petition moot and academic

because the relief and if warranted, to issue to her a certificate of registration as Certified Public Accountant was deleted from the original petition. As regard the issue of whether the petitioner has the constitutional right to have access to the questioned documents, the Court would want first the parties to adduce evidence before it can resolve the issue so that it can make a complete determination of the rights of the parties.

The Court would also want the Professional Regulation Commission to give its side of the case the moment it is impleaded as a respondent in the Second Amended Petition for Mandamus filed by the petitioner which this Court is inclined to grant.

As to the Motion for Conservatory Measures filed by the petitioner, the Court denies the same. It is clear that the PRC has in custody the documents being requested by the petitioner. It has also an adequate facility to preserve and safeguard the documents. To be sure that the questioned documents are preserved and safeguarded, the Court will order the PRC to preserve and safeguard the documents and make them available anytime the Court or petitioner needs them.

WHEREFORE, the Order of this Court dated June 20, 2002 is reconsidered and set aside. The Professional Regulation Commission is ordered to preserve and safeguard the following documents:

- a) Questionnaire in each of the seven subjects comprising the Accountancy Examination of October, 1997;
- b) Petitioners Answer Sheets; and
- c) Answer keys to the questionnaires.

SO ORDERED. [\[23\]](#)

Respondents filed a motion for reconsideration which was denied. [\[24\]](#)

### ***Proceedings before the Court of Appeals***

The RTC Decisions led to the filing of three separate petitions for *certiorari* before the Court of Appeals (CA):

- (a) CA-GR SP No. 76498, a petition filed by respondents Domondon, Gangan, and Josef on April 11, 2003;
- (b) CA-GR SP No. 76546, a petition filed by respondent Ibe on April 30, 2003; and
- (c) CA-GR SP No. 76545, a petition filed by the Board of Accountancy and PRC.

It is the first two proceedings that are pending before us. In both cases, the CA set aside the RTC Decisions and ordered the dismissal of Civil Case No. 98-8681.

## ***Ruling of the Court of Appeals***

In its December 11, 2006 Decision [\[25\]](#) in CA-GR SP No. 76546, the CA ruled that the petition has become moot in view of petitioners eventual passing of the 1998 CPA Board Exam. In CA-GR SP No. 76498, the CA found, in a Decision dated February 16, 2004, [\[26\]](#) that (i) Section 20, Article IV of PRC Resolution No. 338 constituted a valid limitation on petitioners right to information and access to government documents; (ii) the Examination Documents were not of public concern, because petitioner merely sought review of her failing marks; (iii) it was not the ministerial or mandatory function of the respondents to review and reassess the answers to examination questions of a failing examinee; (iv) the case has become moot, since petitioner already passed the May 1998 CPA Board Examinations and took her oath as a CPA; and (v) petitioner failed to exhaust administrative remedies, because, having failed to secure the desired outcome from the respondents, she did not elevate the matter to the PRC before seeking judicial intervention. [\[27\]](#)

CA-GR SP No. 76498 and CA-GR SP No. 76546 were brought before us by the petitioner and docketed as G.R. Nos. 165036 and 175705, respectively. The cases were then consolidated, in view of the similarity of the factual antecedents and issues, and to avoid the possibility of conflicting decisions by different divisions of this Court. [\[28\]](#)

## **Issues**

Before us, petitioner argues that she has a right to obtain copies of the examination papers so she can determine for herself why and how she failed and to ensure that the Board properly performed its duties. She argues that the Constitution [\[29\]](#) as well as the Code of Conduct and Ethical Standards for Public Officials and Employees [\[30\]](#) support her right to demand access to the Examination Papers. Furthermore, she claims that there was no need to exhaust administrative remedies, since no recourse to the PRC was available, and only a pure question of law is involved in this case. Finally, she claims that her demand for access to documents was not rendered moot by her passing of the 1998 CPA Board Exams.

## **Our Ruling**



## *Propriety of Writ of Mandamus*

At the very outset let us be clear of our ruling. Any claim for re-correction or revision of her 1997 examination cannot be compelled by mandamus. This much was made evident by our ruling in *Agustin-Ramos v. Sandoval*,<sup>[31]</sup> where we stated:

After deliberating on the petition in relation to the other pleadings filed in the proceedings at bar, the Court resolved to DENY said petition for lack of merit. The petition at bar prays for the setting aside of the Order of respondent Judge dismissing petitioners mandamus action to compel the other respondents (Medical Board of Examiners and the Professional Regulation Commission) to reconsider, recorrect and/or rectify the board ratings of the petitioners from their present failing grades to higher or passing marks. **The function of reviewing and re-assessing the petitioners answers to the examination questions, in the light of the facts and arguments presented by them x x x is a discretionary function of the Medical Board, not a ministerial and mandatory one, hence, not within the scope of the writ of mandamus.** The obvious remedy of the petitioners from the adverse judgment by the Medical Board of Examiners was an appeal to the Professional Regulation Commission itself, and thence to the Court of Appeals; and since they did not apply for relief to the Commission prior to their institution of the special civil action of mandamus in the Regional Trial Court, the omission was fatal to the action under the familiar doctrine requiring exhaustion of administrative remedies. Apart from the obvious undesirability of a procedure which would allow Courts to substitute their judgment for that of Government boards in the determination of successful examinees in any administered examination an area in which courts have no expertise and the circumstance that the law declares the Court of Appeals to be the appropriate review Court, the Regional Trial Court was quite correct in refusing to take cognizance of an action seeking reversal of the quasi-judicial action taken by the Medical Board of Examiners.

<sup>[32]</sup> (Emphasis ours)

For a writ of mandamus to issue, the applicant must have a well-defined, clear, and certain legal right to the thing demanded. The corresponding duty of the respondent to perform the required act must be equally clear.<sup>[33]</sup> No such clarity exists here; neither does petitioners right to demand a revision of her examination results. And despite petitioners assertions that she has not made any demand for re-correction, the most cursory perusal of her Second Amended Petition and her prayer that the respondents make the appropriate revisions on the results of her examination belies this claim.

Like the claimants in *Agustin*, the remedy of petitioner from the refusal of the Board to release the Examination Papers should have been through an appeal to the PRC. Undoubtedly, petitioner had an adequate remedy from the Boards refusal to provide her with copies of the



Examination Papers. Under Section 5(a) of Presidential Decree No. 223,<sup>[34]</sup> the PRC has the power to promulgate rules and regulations to implement policies for the regulation of the accounting profession.<sup>[35]</sup> In fact, it is one such regulation (PRC Resolution No. 338) that is at issue in this case. In addition, under Section 5(c), the PRC has the power to

**review, coordinate, integrate and approve the policies, resolutions, rules and regulations, orders or decisions promulgated by the various Boards** with respect to the profession or occupation under their jurisdictions including the results of their licensure examinations but their decisions on administrative cases shall be final and executory unless appealed to the Commission within thirty (30) days from the date of promulgation thereof.

Petitioner posits that no remedy was available because the PRC's power to review and approve in Section 5(c) only refers to appeals in decisions concerning administrative investigations<sup>[36]</sup> and not to instances where documents are being requested. Not only is this position myopic and self-serving, it is bereft of either statutory or jurisprudential basis. The PRC's quasi-legislative and enforcement powers, encompassing its authority to review and approve policies, resolutions, rules and regulations, orders, or decisions cover more than administrative investigations conducted pursuant to its quasi-judicial powers.<sup>[37]</sup> More significantly, since the PRC itself issued the resolution questioned by the petitioner here, it was in the best position to resolve questions addressed to its area of expertise. Indeed, petitioner could have saved herself a great deal of time and effort had she given the PRC the opportunity to rectify any purported errors committed by the Board.

One of the reasons for exhaustion of administrative remedies is our well-entrenched doctrine on separation of powers, which enjoins upon the Judiciary a becoming policy of non-interference with matters falling primarily (albeit not exclusively) within the competence of other departments.<sup>[38]</sup> Courts, for reasons of law, comity and convenience, should not entertain suits unless the available administrative remedies have first been resorted to and the proper authorities have been given an appropriate opportunity to act and correct their alleged errors, if any, committed in the administrative forum.<sup>[39]</sup>

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However, the principle of exhaustion of administrative remedies is subject to exceptions, among which is when only a question of law is involved.<sup>[40]</sup> This is because

issues of law such as whether petitioner has a constitutional right to demand access to the Examination Papers - cannot be resolved with finality by the administrative officer.<sup>[41]</sup>

### *Issues of Mootness*

We now turn to the question of whether the petition has become moot in view of petitioners having passed the 1998 CPA examination. An issue becomes moot and academic when it ceases to present a justiciable controversy, so that a declaration on the issue would be of no practical use or value.<sup>[42]</sup>

In this jurisdiction, any citizen may challenge any attempt to obstruct the exercise of his or her right to information and may seek its enforcement by mandamus.<sup>[43]</sup> And since every citizen possesses the inherent right to be informed by the mere fact of citizenship,<sup>[44]</sup> we find that petitioners belated passing of the CPA Board Exams does not automatically mean that her interest in the Examination Papers has become mere superfluity. Undoubtedly, the constitutional question presented, in view of the likelihood that the issues in this case will be repeated, warrants review.<sup>[45]</sup>

The crux of this case is whether petitioner may compel access to the Examination Documents through mandamus. As always, our inquiry must begin with the Constitution. Section 7, Article III provides:

Sec.7. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

Together with the guarantee of the right to information, Section 28, Article II promotes full disclosure and transparency in government, *viz*:

Sec. 28. Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest.

Like all the constitutional guarantees, the right to information is not absolute. The people's right to information is limited to "matters of public concern," and is further "subject to such limitations as may be provided by law." Similarly, the State's policy of full disclosure is limited to "transactions involving public interest," and is "subject to reasonable conditions prescribed by law". The Court has always grappled with the meanings of the terms "public interest" and "public concern." As observed in *Legaspi v. Civil Service Commission*:<sup>[46]</sup>

In determining whether x x x a particular information is of public concern there is no rigid test which can be applied. "Public concern" like "public interest" is a term that eludes exact definition. Both terms embrace a broad spectrum of subjects which the public may want to know, either because these directly affect their lives, or simply because such matters naturally arouse the interest of an ordinary citizen. In the final analysis, it is for the courts to determine on a case by case basis whether the matter at issue is of interest or importance, as it relates to or affects the public.

We have also recognized the need to preserve a measure of confidentiality on some matters, such as national security, trade secrets and banking transactions, criminal matters, and other confidential matters.<sup>[47]</sup>

We are prepared to concede that national board examinations such as the CPA Board Exams are matters of public concern. The populace in general, and the examinees in particular, would understandably be interested in the fair and competent administration of these exams in order to ensure that only those qualified are admitted into the accounting profession. And as with all matters pedagogical, these examinations could be not merely quantitative means of assessment, but also means to further improve the teaching and learning of the art and science of accounting.

On the other hand, we do realize that there may be valid reasons to limit access to the Examination Papers in order to properly administer the exam. More than the mere convenience of the examiner, it may well be that there exist inherent difficulties in the preparation, generation, encoding, administration, and checking of these multiple choice exams that require that the questions and answers remain confidential for a limited duration. However, the PRC is not a party to these proceedings. They have not been given an opportunity to explain the reasons behind their regulations or articulate the justification for keeping the Examination Documents confidential. In view of the far-reaching implications of this case, which may impact on every board examination administered by the PRC, and in

order that all relevant issues may be ventilated, we deem it best to remand these cases to the RTC for further proceedings.

**IN VIEW OF THE FOREGOING**, the petitions are **GRANTED**. The December 11, 2006 and February 16, 2004 Decisions of the Court of Appeals in CA-GR SP No. 76546 and CA-GR SP No. 76498, respectively, are hereby **SET ASIDE**. The November 11, 2002 and January 30, 2003 Orders of the Regional Trial Court of Manila, Branch 33, in Civil Case No. 98-86881 are **AFFIRMED**. The case is remanded to the Regional Trial Court for further proceedings.

**SO ORDERED.**

**MARIANO C. DEL CASTILLO**

*Associate Justice*

WE CONCUR:

**RENATO C. CORONA**

*Chief Justice*

*Chairperson*

**RESBITERO J. VELASCO, JR.**

*Associate Justice*

**TERESITA J. LEONARDO-DE CASTRO**

*Associate Justice*

**JOSE PORTUGAL PEREZ**

*Associate Justice*

## **C E R T I F I C A T I O N**

Pursuant to Section 13, Article VIII of the Constitution, it is hereby certified 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 Courts Division.

**RENATO C. CORONA**  
*Chief Justice*

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- [1] The examination questions were of the multiple choice type, where each question was followed by four possible answers to choose from. The examinee was required to indicate his or her answer by shading in pencil one of four small circles corresponding to each choice.
- [2] *Rollo* (G.R. No.175705), p. 73.
- [3] *Id.* at 69.
- [4] *Id.* at 70.
- [5] *Id.* at 71.
- [6] *Id.* at 72.
- [7] *Id.* at 38.
- [8] *Id.* at 73-78.
- [9] *Rollo* (G.R. No. 165036), pp. 107-108.
- [10] Namely, Conchita L. Manabat, Abelardo T. Domondon, Reynaldo D. Gamboa, Jose V. Ramos, Violeta J. Josef, Antonieta Fortuna-Ibe, and Jose Gangan.
- [11] *Rollo* (G.R. No. 175705), pp. 34-42.
- [12] *CA rollo* (CA G.R. SP No. 76498), pp. 62-70.
- [13] *Id.* at 76-90.
- [14] *Id.* at 91-93.
- [15] *Id.* at 76-90.
- [16] *Id.* at 120-123.
- [17] *Id.* at 127-130.
- [18] *Id.* at 131.
- [19] *Id.* at 150-159.
- [20] *Id.* at 36-38; penned by Judge Reynaldo G. Ros.
- [21] *Id.* at 215-227. On August 26, 2002, private respondents filed their Comment/Opposition; *id.* at 234-241. Petitioner filed her Reply, *id.* at 242-249.
- [22] *Id.* at 29-30.
- [23] *Id.* at 30.
- [24] *Id.* at 33.
- [25] *Rollo* (G.R. No. 175705), pp. 22-33; penned by Associate Justice Monina Arevalo-Zenarosa and concurred in by Associate Justices Martin S. Villarama, Jr. and Lucas P. Bersamin.
- [26] *Rollo* (G.R. No. 165036), pp. 37-53; penned by Associate Justice Renato C. Dacudao and concurred in by Associate Justice Danilo B. Pine and Presiding Justice Cancio C. Garcia.
- [27] Petitioners Motion for Reconsideration was denied in a Resolution dated August 24, 2004.
- [28] *Rollo* (G.R. No. 175075), pp. 89-90.

[29] Article III, Sec. 7 provides:

Section 7. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

Article XI, Sec. 1 provides:

Section 1. Public office is a public trust. Public officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives.

[30] Republic Act No. 6713, An Act Establishing A Code Of Conduct And Ethical Standards For Public Officials And Employees, To Uphold The Time-Honored Principle Of Public Office Being A Public Trust, Granting Incentives And Rewards For Exemplary Service, Enumerating Prohibited Acts And Transactions And Providing Penalties For Violations Thereof And For Other Purposes (1989).

Section 5. Duties of Public Officials and Employees. - In the performance of their duties, all public officials and employees are under obligation to:

x x x x

(e) Make documents accessible to the public. - All public documents must be made accessible to, and readily available for inspection by, the public within reasonable working hours.

[31] G.R. No. 84470, February 2, 1989 (Minute Resolution).

[32] Id.

[33] *Lemi v. Valencia*, 135 Phil. 185, 193 (1968); *Subido v. Hon. Ocampo*, 164 Phil. 438, 447-448 (1976).

[34] Creating The Professional Regulation Commission And Prescribing Its Powers And Functions (1973).

[35] See also Section 5(a), which provides:

Section 5. Powers of the Commission. The powers of the Commission are as follows:

a) To administer, implement and enforce the regulatory policies of the National Government with respect to the regulation and licensing of the various professions and occupations under its jurisdiction including the maintenance of professional and occupational standards and ethics and the enforcement of the rules and regulations relative thereto.

x x x x

m) To exercise general supervision over the members of the various Boards;

[36] Pursuant to the Rules and Regulations Governing the Regulation and Practice of Professionals.

[37] See *Lupangco v. Court of Appeals*, 243 Phil. 993, 1002 (1988).

[38] *Merida Water District v. Bacarro*, G.R. No. 165993, September 30, 2008, 567 SCRA 203, 209.

[39] *Laguna CATV Network, Inc. v. Hon. Maraan*, 440 Phil. 734, 740 (2002).

[40] *Valmonte v. Belmonte, Jr.*, 252 Phil. 264, 269 (1989).

[41] *Castro v. Secretary of Education*, G.R. No. 132174, August 20, 2001

[42] See *Gancho-on v. Secretary Gloria*, 337 Phil. 654, 658 (1997); *Philippine Airlines, Inc. v. Pascua*, 456 Phil. 425, 436 (2003); *David v. Macapagal-Arroyo*, G.R. Nos. 171396, 171409, 171485, 171483, 171400, 171489, 171424, May 3, 2006, 489 SCRA 160, 213-214; *Soriano Vda. De Dabao v. Court of Appeals*, 469 Phil. 928, 937 (2004).

[43] *Bantay Republic Act or BA-RA 7941v. Commission on Elections*, G.R. No. 177271 & 177314, May 4, 2007, 523 SCRA 1, 14-15.

[44] *Taada v. Hon. Tuvera*, 220 Phil. 422, 433-434 (1985).

[45] Even if we were to assume that the issue has become moot, we have repeatedly enumerated the exceptions to the rule on mootness, thus:

The "moot and academic" principle is not a magical formula that can automatically dissuade the courts in resolving a case. Courts will decide cases, otherwise moot and academic, if: first, there is a grave violation of the Constitution; second, the exceptional character of the situation and the paramount public interest is involved; third, when the constitutional issue raised requires formulation of controlling principles to guide the bench, the bar, and the public; and fourth, the case is capable of repetition yet evading review. *David v. Macapagal-Arroyo*, supra note 42 at 214-215.



[\[46\]](#) *Legaspi v. Civil Service Commission*, 234 Phil. 521, 535 (1987).

[\[47\]](#) *Chavez v. Presidential Commission on Good Government*, 360 Phil. 133, 160 (1998).