

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City, Metro Manila

THIRTEENTH CONGRESS

First Regular Session

House Bill No. 1298



Introduced by Honorable Darlene R. Antonino-Custodio

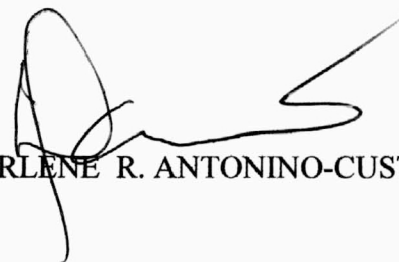
EXPLANATORY NOTE

This bill seeks to provide for a more responsive and comprehensive regulation for the practice of Chemical Engineering in the Philippines.

Republic Act No. 318, otherwise known as the Chemical Engineering Law was enacted on June 19, 1948. The present advances in technology practically make all phases of engineering work fully automated. The availability of advanced, sophisticated and modern instruments has rendered Republic Act No. 318 obsolete, sometimes irrelevant and impractical. A review of the law would reveal that some provisions thereof are inapplicable and therefore prone to be violated than followed. Hence this bill.

One significant provision proposed under this measure is the re-examination of failed subjects where an examinee who failed to pass but obtained at least 70% in two subjects and the rating in the third subject is not below 50% may be made to take a removal examination only in the subject where he/she obtained below 70% within one year from the date of said examination. Other changes pertain to the practice of Chemical Engineering in general for the purpose of providing better service to the public and attaining a high educational standard for those who desire to become Chemical Engineers.

To make the Chemical Engineering Law more responsive to the needs not only of the industry but to the economic growth and development of the country as well, approval of the bill is earnestly urged.


DARLENE R. ANTONINO-CUSTODIO

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AN ACT
PROVIDING FOR A MORE RESPONSIVE AND COMPREHENSIVE REGULATION
FOR THE PRACTICE OF CHEMICAL ENGINEERING IN THE PHILIPPINES.

Be it enacted by the Senate and the House of Representatives in Congress assembled:

ARTICLE I
TITLE, POLICY AND DEFINITIONS

SECTION 1. *Title.* - This Act shall be known as the "Revised Chemical Engineering Law."

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to promote the development of the practice of Chemical Engineering in the Philippines as a vital input to national development and to reserve the practice of such profession to citizens of the Philippines. It is also the policy of the State to promote and enhance Chemical Engineering education in order to ensure that our chemical engineers are at par with the best in the world.

SEC. 3. *Definition of Terms.* -

- (a) "Practice of Chemical Engineering" shall mean the rendering or offering of professional chemical engineering service for a fee, salary or other reward or compensation, paid through another person or even without such reward or compensation. The term shall be synonymous with the term "rendering Chemical Engineering service."
- (b) "Professional Chemical Engineering service" shall embrace the following and similar service in relation to individual plants:
1. Consultation;
 2. Investigation;
 3. Estimation and/or valuation;
 4. Planning;
 5. Preparation of feasibility studies;
 6. Designing and laying out of projects;
 7. Preparation of specifications;
 8. Supervision of installation;
 9. Operation including quality control;
 10. Research and Development;

The teaching of a professional chemical engineering subject in any school, college, university or any other educational institution shall also be considered a professional chemical engineering service.

© "Industrial plant" shall mean any plant in which a unit process and or unit operation are involved, including the related pollution control and abatement processes or operations.

- (d) "Unit process" shall mean the chemical change which is involved in the manufacture of industrial or consumer products or the treatment of industrial or chemical wastes.
- (e) "Unit operation" shall mean the physical operation by which a desired step in industrial process is conducted or controlled. This includes, but is not limited to: storage of gases, liquids and solids, heat transfer, evaporation, mass

transfer, i.e. distillation, absorption, drying, humidification, extraction, leaching, mixing and dispersion, separation, i.e. filtration, screening, molecular sieving, and coalescing.

- (f) "Professional chemical engineering subjects" shall mean any of the following and similar chemical engineering topics: chemical engineering topics: chemical engineering thermodynamics; chemical engineering calculations; physical and chemical principles; industrial processes, momentum transfer, industrial waste management and biochemical engineering and bio-engineering.
- (g) "Chemical engineers" shall mean a person duly registered with the Board of Chemical Engineering and the Professional Regulation Commission in the manner as herein provided.

ARTICLE II

BOARD OF CHEMICAL ENGINEERING

SEC. 4. Composition of the Board. - There shall be created a Board of Chemical Engineering, hereinafter referred to as the Board, composed of a Chairman and two Members to be appointed by the President of the Philippines from among those recommended by the Commissioner of the Professional Regulation Commission, hereinafter referred to as the Commission, from the nominees of the duly accredited chemical engineering professional association.

SEC. 5. Powers and Duties of the Board. - The Board shall have the following powers and duties:

- (a) Supervise and regulate the practice of the chemical engineering profession;
- (b) Determine and evaluate the qualifications of the applicants for registration with or without licensure examinations.
- (c) Prepare the examination questions in accordance with Section 13 hereof or modifications thereof.
- (d) Prescribe, amend, or review the requirements in the licensure examination; determine the syllabi of the subjects and their relative weights; construct the

test questions in the examination, score and rate the examination papers, and submit the examination result to the Commission;

- (e) Issue together with the Commission Certificates of Registration to applicants who have passed the licensure examinations for registered chemical engineers;
- (f) Issue special permits to persons admitted to the practice of the profession for a specific duration of time and Certificates of Recognition for advance studies and researches and accomplishment in the profession that contribute to the enrichment of chemical engineering.
- (g) Inquire into the conditions affecting the practice of the profession and adopt measures for the enhancement and maintenance of a high professional, ethical and technical standard. Pursuant thereto, the Board may inspect establishment where chemical engineers practice their profession, such as factories, plants, offices and the like in order to determine and enforce compliance with the provisions of this Act and other related government issuances after which issues Certificates of Compliance for specific period/duration;
- (h) In coordination with the Commissioner of Higher Education and Development (CHED), inspect the facilities, faculty, equipment and other aspects directly related to the chemical engineering program of educational institutions.
- (i) Promulgate and adopt rules and regulations to implement the provision of this Act;
- (j) Adopt a Code of Ethics for the Practice of Chemical Engineering;
- (k) Issue subpoena and subpoena duces tecum to secure the attendance of witnesses or the production of documents in connection with any administrative case before the Board.
- (l) Investigate violations of this Act and the rules and regulations, Code of Ethics, administrative policies, orders and issuances promulgated by the Board. The rules on administrative investigation promulgated by the Commission shall govern in such investigation.
- (m) Hear and decide administrative cases filed against chemical engineers and firms employing chemical engineers. The hearing shall be presided by the Chairman or a Member of the Board with the assistance of an Attorney of the Commission. Any decision shall be concurred in by at least a majority of the

Board. Decisions of the Board may be appealed to the Commission within fifteen (15) days from notice, otherwise such decision shall become final and executory.

- (n) Administer oaths in connection with the administration, implementation, or enforcement of this Act;
- (o) Prescribe reasonable fees, to be collected by the Commission, in connection with the licensure examination, the registration of chemical engineers, the issuance of certificates and certifications, the registration of seals, and implementation of the provisions of this Act.
- (p) Adopt an official seal and prescribe the seal of the chemical engineering professional;
- (q) Perform such other functions as may be necessary in order to implement the provisions of this Act.
- (r) Submit an annual report on the proceedings and accomplishments during the year and/or recommendations of the Board to the Commission after the close of each fiscal year;
- (s) Prosecute or institute criminal action against any violator of the act and/or rules and regulations of the Board.
- (t) Prescribe guidelines and criteria on the continuing Professional Education program in consultation with accredited chemical engineering organization for chemical engineers, and renew their professional license after compliance with the continuing Professional Education requirements;
- (u) Perform such other functions and duties and exercise such other powers as may be necessary to implement the provisions of this Act.

The policies, resolutions, rules and regulations, orders or decisions issued or promulgated by the Board shall be subject to the review and approval by the Commission, however, the Board's decision, resolutions or orders which are not interlocutory, rendered in an administrative case, shall be subject to review only if on appeal.

SEC. 6. *Qualifications of the Chairman and Members of the Board.* The Chairman and Member of the Board must at the time of the appointment:

- (a) Be natural-born citizens and residents of the Philippines;
- (b) Be at least holders of a bachelor's degree in chemical engineering, as conferred by an engineering school of good standing, recognized and accredited by the Philippine government.
- (c) Be a registered chemical engineer who has been in active practice for at least ten (10) years;
- (d) Be of good moral character;
- (e) Do not have any pecuniary interest, directly in any university, college, school, or institution conferring an academic degree necessary for admission to the practice of chemical engineering or where review classes in preparation for the licensure examination are being offered or conducted, nor shall he be a member of the faculty or of the administration thereof at the time of his appointment of the Board; and
- (f) Be a member of good standing of the duly accredited chemical engineering professional association.
- (g) Be a person with no final conviction by a court of an offense involving moral turpitude.

SEC. 7. *Term of Office.* - The Chairman and the Members of the Board shall have a term of six (6) years only, without reappointment. Vacancies shall be filled up for the unexpired term only. The Chairman and Members shall qualify by taking the proper oath prior to the performance of their duties. The incumbent Chairman and Members shall be allowed to continue until the six (6) year term is completed starting from the date of their appointment.

SEC. 8. *Secretary of the Board.* - The Board shall have a Secretary, appointed by the Commission, who shall record the minutes of its meetings and perform such other services as the Board may require. The Secretary shall also act as custodian including all examination papers and minutes of the deliberations of the Board. The Commission shall provide for compensation of the Secretary.

SEC. 9. *Removal of the Chairman and Members.* - The Chairman or any Member of the Board may be removed by the President of the Philippines upon the recommendation of the Commission for neglect of duty, incompetence, malpractice, commission or tolerance or irregularities in the licensure examination, unprofessional or unethical conduct, after

due notice and hearing where his right to be heard, to defend himself and to be assisted by counsel shall be respected in a proper administrative investigation, Provided, That during the process of investigation, the Committee shall have the power to suspend such member under investigation and shall appoint a temporary member in his place. The Commission's decision may be appealed within fifteen (15) days to the President of the Philippines whose decision shall be final and executory.

SEC. 10. *Compensation of the Board.* - The Chairman and Members of the Board shall receive such honorarium as may be prescribed by the rules and regulations of the Commission.

SEC. 11. *Executive Officer of the Board.* - The Commission shall be the executive officer of the Board and shall conduct the examination given by the Board.

SEC. 12. *Annual Report.* - The Secretary shall prepare an annual report for the approval of the Board. The Board shall submit an annual report to the Commission after the close of each fiscal year giving a detailed account of the proceedings of the Board during the year and embodying such recommendations to the Commission as the Board may desire to make.

ARTICLE III EXAMINATION AND REGISTRATION

SEC. 12. *Examination Requirement.* - All applicants for registration for the practice of chemical engineering in the Philippines shall be required to pass the licensure examination prescribed herein.

SEC. 13. *Holding of Examination.* - Examination for the practice of chemical engineering in the Philippines shall be given twice each calendar year in the City of Manila and one in any other place that the Board shall recommend on the dates prescribed by the Commission. Letters or printed notice of such examination shall be mailed to each candidate who has filed his application with the Secretary of the Board, at least twenty (20) days prior to the date of the first day of the examinations.

SEC. 14. *Scope of Examination.* - The licensure examination shall cover, but shall not be limited to, the following subjects: Physical and Chemical principles; General

Engineering and Chemical Engineering: Provided that the relative weight of the Chemical Engineering is not less than forty percent (40%).

SEC. 15. *Qualification for Examinations.* - Any person applying for admission to the chemical engineering examination must have the following qualifications:

- (a) That he is a citizen of the Philippines;
- (b) That he shall be at least twenty-one (21) years of age at the date of the examination;
- (c) That he is of good moral character, and
- (d) That he is a graduate of a school, institute, college or university recognized by the Philippine Government and has been conferred the degree of Bachelor of Science in Chemical Engineering or its equivalent.

SEC. 16. *Examination Fees.* - Every applicant admitted to take the chemical engineering licensure examination shall pay the Commission such fees as may be prescribed by it before he or she is allowed to take the examination.

SEC. 17. *Report of Rating.* The Board shall complete the correction of examination papers within ninety (90) days from the last day of the examination. The Commission shall report the rating of the examinees not more than thirty (30) days after the Board has completed the correction of examination papers.

SEC. 18. *Re-examination of Failed Subject.* - An examinee who failed to pass but obtained at least 70% in two (2) subjects and the rating in the third subject is not below 50% may be made to take a removal examination only in the subject where he/she obtained below 70% within one (1) year from the date of the said examination upon proper application and payment of the required fees.

SEC. 19. *Issuance of Certificates.* The Board and the Commission shall issue Certificates of Registration only to those who have obtained a general average of seventy percentum (70%) and a rating of no less than fifty percentum (50%) in any examination subject. Every Certificate of Registration shall state the full name of the registrant and his registration number, and shall be signed by the Chairman and Members of the Board and the Commissioner of the Commission and authenticated by the official seal of the Commission.

SEC. 20. *Seal of Registered Chemical Engineer.* Each Chemical engineer shall, upon registration, obtain a seal as prescribed by the Board bearing the registrant's name, registration number and the legend "Registered Chemical Engineer." Plans, specifications, reports and other professional documents prepared by or executed under the supervision of and issued by the registrant shall be stamped on every sheet with said seal when filed with Government authorities or when submitted or used professionally.

SEC. 21. *Fees for Registration.* Every person issued a Certificate of Registration as a registered chemical engineer shall pay to the Commission such fee as the Commission may prescribe. Provided, that fifty percent (50%) from these collections are to be treated as a special fund for programs, projects, activities of the Commission and the other fifty percent (50%) shall be set up in a separate special fund for the supervisory and regulatory functions of the board.

SEC. 22. *Exemption from Registration.* Registration shall not be required of the following persons upon proper application with the Board.

- (a) Foreign chemical engineers, recognized as experts in their specific fields of chemical engineering, called in by the Republic of the Philippines for consultation or for a specific design, installation or project: Provided, that their practice shall be confined to the contracted work;
- (b) Foreign chemical engineers, who have distinguished themselves in their respective fields of specialization, contracted as professors or lecturers on chemical engineering subjects by Philippine schools, colleges, institutes or universities on a direct hire or exchange basis, subject to verification of credentials by the Board, and are legally and qualified to practice their profession in their own country in which the requirements and qualifications for obtaining a license or certificate of requirement are not lower than those specified in their Act.
- (c) That prior to commencing work, the foreign professional shall secure a special permit from the Commission;
- (d) That said foreign professional shall not engage in private practice at their own account as chemical engineers.

- (e) That every foreign professional contracted pursuant to this Act must have a Filipino understudy who is a registered chemical engineer under this Act and who shall be employed by the private firm utilizing the services of such foreign professional for at least the duration of the alien expert's tenure with said firm.

SEC. 23. *Suspension or Revocation of Certificate of Registration and Certificate of Compliance.* The Board shall have the power, upon proper notice and hearing, to suspend and revoke any Certificate of Registration of any registrant on the following grounds:

- (a) Any act of misrepresentation in connection with alleged performance of chemical engineering services;
- (b) Acts inimical to the chemical engineering profession; and
- (c) Gross immorality or commission of any act involving moral turpitude.

Certificates of Compliance may be suspended or revoked for non-compliance with the provisions of this Act.

Complaints against registered chemical engineers and firms employing chemical engineers may be filed by any person or by the Board *motu proprio*. Complaints shall be in writing and sworn by the persons executing them and shall be filed with the Secretary of the Board.

SEC. 24. *Reissue of Revoked Certificate of Registration or Certificate of Compliance and Replacement of Lost Certificates.*- The Board may, for reasons it may deem sufficient and upon proper petition, reinstate Certificates of Registration or Certificates of Compliances.

A new Certificate of Registration or Certificate of Compliance may be issued to replace any certificate that has been lost, destroyed, or mutilated, subject to the rules and regulations of the Board and upon payment of appropriate fees to the Commission.

ARTICLE IV

GENERAL PROVISION

SEC. 25. *Prohibitions in the Practice of Chemical Engineering.* - No person shall practice Chemical Engineering or render Chemical Engineering service without a valid and subsisting Certificate of Registration. Any person who shall commit the following acts shall be guilty of misdemeanor:

- (a) Practice chemical engineering or render chemical engineering service, or pass himself off or advertise himself as one, without a valid Certificate of Registration or when such has been suspended or revoked;
- (b) Attempt to use as his own the Certificate or seal of another person or impersonate any registered chemical engineer; or
- (c) Furnish the Board or Commission any false information or document in order to secure a Certificate of Registration;

SEC. 26. *Practice of Chemical Engineering Not Allowed for Firms and Corporations.* Except as may be provided in this Act, only persons properly licensed and registered may practice chemical engineering. No firm, partnership, corporation or association may be licensed and registered as such for the practice of Chemical Engineering. However duly licensed and registered chemical engineers and architects may use the title "Chemical Engineers," or "Engineers and Architects" in their partnership name.

SEC. 27. *Roster of Chemical Engineers.* The Commission shall keep a roster of all duly licensed and registered chemical engineers, stating their names, registration numbers and places of business.

The Commission shall regularly update such roster and make it available to all interested parties.

SEC. 28. *Designs, Specifications, etc. Submitted for Government Approval.* Any proposal, design, specification, working drawings or plan for an industrial plant or any part thereof submitted to any government agency, national or local, including government or controlled corporations, shall not be processed or approved, nor shall such plant be issued any permit, license, franchise, authorization or certificate, unless such proposal, design, specification, working drawings, or plan is signed by a registered chemical engineer, with his seal and registration number affixed thereto.

SEC. 29. *Foreign Reciprocity*. No foreign chemical engineer shall be granted any of the right or privilege under this Act unless the country of which he is a subject or citizen grants the same or similar rights or privileges to Filipino chemical engineers.

SEC. 30. *Act Not Affecting Other Profession*. This Act shall not be construed to affect or prevent the practice of any other lawfully recognized profession.

SEC. 31. *Penal Clause*. Any person who shall violate any of the provisions of this Act shall be guilty of misdemeanor and shall, upon conviction, be sentenced to a fine of not less than Ten thousand pesos (P10,000.00) nor more than Fifty thousand pesos (P50,000.00) or imprisonment for a period not less than six (6) months nor more than five (5) years or both at the discretion of the court.

SEC. 32. *Separability Clause*. If any section or provision of this Act shall be declared unconstitutional or invalid, such shall not invalidate any other section of this Act.

SEC. 33. *Repealing Clause*. Republic Act No. 318 is hereby repealed, and all other laws, decrees, orders, rules, regulations, ordinances or parts thereof which are inconsistent with this Act are hereby repealed or amended accordingly.

SEC. 34. *Effective*. This Act shall take effect upon its approval.

Approved,