

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 00000 228

Introduce by Honorable AMADO S. BAGATSING

EXPLANATORY NOTE

Presidential Decree No. 1308, An Act Regulating the Practice of Environmental Planning in the Philippines, was enacted in 1978, almost thirty two years ago. The advancement of technology and the demands of globalization have now rendered the provisions of the law almost outdated and obsolete.

With the current thrust of keeping up with the effects of development on the environment and with the challenges faced by local governments in modernizing their cities and urban areas it has become imperative that the law governing the practice of environmental planning be revisited.

It is in this light that the practitioners and registered professionals, who themselves are the stakeholders, continue to advocate that a more responsive and comprehensive regulation of the registration, licensing and practice of the environmental planning profession be undertaken through legislation. Hence, the bill addresses the need to have a clearer definition of the practice of environmental planning and its coverage, at the same time expanding the academic courses that will be allowed to qualify in the examination process. In anticipation of the demands of the profession, the bill also strengthens the continuing professional education to make the professionals cope up with technological changes.

The immediate passage therefore of this bill is urgently requested.



AMADO S. BAGATSING

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Quezon City, Metro Manila

FIFTEENTH CONGRESS

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000-228

HOUSE BILL NO. _____

Introduced by: **Honorable AMADO S. BAGATSING**

AN ACT
REGULATING THE PRACTICE OF ENVIRONMENTAL PLANNING,
REPEALING FOR THE PURPOSE PRESIDENTIAL DECREE NUMBERED ONE
THOUSAND THREE HUNDRED AND EIGHT (P.D. 1308), ENTITLED "LAW
REGULATING THE ENVIRONMENTAL PLANNING PROFESSION IN THE
PHILIPPINES", AND FOR OTHER PURPOSES

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

Article I

GENERAL PROVISIONS

Section 1. Title. – This Act shall be known as the New Environmental Planning Act.

Sec. 2. Declaration of Policy. – The State recognizes the importance of environmental planners in nation building and development. Hence, it shall develop and nurture competent, virtuous, productive and well-rounded professional environmental planners whose standards of practice and service shall be excellent, qualitative, world-class and globally competitive through inviolable, honest, effective and credible licensure examinations and through regulatory measures, programs and activities that foster their professional growth and development.

Sec. 3. Objectives. This Act shall govern:

- (a) the examination, registration, and licensure of environmental planners;
- (b) the supervision, control and regulation of the practice of environmental planning;
- (c) the development and upgrading of the curriculum of environmental planning profession;
- (d) the development of the professional competence of environmental planners through continuing professional education; and

1 (e) the integration of the environmental planning profession.

2 **Sec. 4. Definition of Terms. –**

3 (a) Environmental Planning, otherwise known as "urban and regional planning, city
4 planning, town and country planning, and/or human settlements planning," refers to the
5 art and science of analyzing, specifying, harmonizing, managing and regulating the use
6 and relationships of land and its environs for the development of sustainable
7 communities and ecosystems.

8 (b) Environmental Planner refers to a person who is registered and licensed to practice
9 environmental planning and who holds a valid certificate of registration and a valid
10 professional identification card from the Board of Environmental Planning and
11 Professional Regulation Commission ;

12 (c) Environmental Planner-Of-Record – refers to a registered environmental planner who
13 either:

- 14 1. acts as lead professional in, or coordinates and supervises, the preparation of any of
15 the environmental plans and studies set forth in Section 5 of this Act; or
- 16 2. reviews, co-signs and/or officially transmits or endorses to the client any of the plans
17 submitted by other members of a planning team for a program or project; and who
18 shall be held directly liable for such plans prepared under his/her supervision or co-
19 signed or reviewed by him/her;

20 (d) Accredited Professional Organization (APO) – refers to the duly accredited professional
21 organization of environmental planners.

22 **Sec. 5. Scope of Practice. –** The practice of Environmental Planning, within the
23 meaning and intent of this Act, shall embrace, *inter alia*, the following:

24 (a) Providing professional services in the form of technical consultation, plan
25 preparation, capacity building, and monitoring and evaluation of
26 implementation involving the following:

- 27 (1) preparation of national, regional or local development and/or physical
28 framework and land use plans;
- 29 (2) preparation of comprehensive land use plans, zoning, and related
30 ordinances, codes, and other legal issuances for the management and
31 development, preservation, conservation, rehabilitation, regulation, and
32 control of the environment, including water resources;

- 1 (3) development, conservation, redevelopment, and revitalization of a
2 *barangay*, municipality, city, province, region or any portion or combination
3 thereof; and
4 (4) development of a site for a particular need, such as economic or ecological
5 zones; tourism development zones; and housing and other estate development
6 projects, including creating a spatial arrangement of buildings, utilities,
7 transport, and communications;
- 8 (b) In relation to any of the activities enumerated in (a) above, preparing the following
9 studies:
- 10 (1) Pre-feasibility, feasibility, and other related concerns;
11 (2) Environmental assessments; and
12 (3) Institutional, administrative or legal systems;
- 13 (c) Teaching, lecturing or reviewing any professional subject included in the
14 curriculum and in the licensure examinations for environmental planning;
- 15 (d) Serving as expert witness, resource person, lecturer, juror or arbitrator in
16 hearings, competitions, exhibitions, and other public fora; and
- 17 (e) Ensuring compliance with environmental laws including acquisition of
18 regulatory permits.

19 Article II

20 PROFESSIONAL REGULATORY BOARD OF ENVIRONMENTAL PLANNING

21 **Sec. 6. Professional Regulatory Board of Environmental Planning.** – There is
22 hereby created a Professional Regulatory Board of Environmental Planning, hereinafter
23 referred to as the Board, which shall be composed of a chairperson and two (2) members
24 under the administrative control and supervision of the Professional Regulation Commission,
25 hereinafter referred to as the Commission. They shall be appointed by the President of the
26 Philippines from a list of three (3) recommendees for each position ranked by the
27 Commission from a list of five (5) nominees for each position submitted by the accredited
28 professional organization of environmental planners.

29 The new Board under this Act shall be constituted within six (6) months from the
30 effectivity thereof.

31 **Sec. 7. Term of Office.** – The chairman and members of the Board shall hold office
32 for a term of three (3) years from the date of appointment or until their successors shall have

1 been qualified and appointed. They may be reappointed in their positions for another term of
2 three (3) years immediately after the expiry of their term: *Provided*, That the holding of such
3 position shall not be more than two (2) terms nor more than six (6) years, whichever is
4 longer: *Provided, further*, That the first Board under this Act shall hold these terms of office:
5 the Chairperson for three (3) years, the first member for two (2) years, and the second
6 member for one (1) year: *Provided, furthermore*, That any appointee to a vacancy with an
7 expired period shall only serve such period. The chairperson and the members shall duly take
8 their oath of office.

9 **Sec. 8. Qualifications of Board Members.** – Each member of the Board, at the time
10 of his/her appointment, must be:

- 11 a) a citizen and resident of the Philippines;
- 12 b) of good moral character and of sound mind;
- 13 c) a holder of a Master's Degree in Environmental Planning or its equivalent, preferably
14 with a Bachelor's Degree in Environmental Planning;
- 15 d) a registered Environmental Planner with a valid certificate of registration and a
16 professional identification card and with at least seven (7) years of practice in
17 environmental planning prior to his/her appointment;
- 18 e) not a member of the faculty of any school, college, or university where a regular or
19 review course in environmental planning is offered nor a member of a staff of reviewers
20 in a review school or center and not have any direct or indirect pecuniary interest in such
21 an institution;
- 22 f) a member in good standing of the APO;
- 23 g) not an officer or trustee of the Accredited Professional Organization (APO); and
- 24 h) not convicted by a court of competent jurisdiction of an offense involving moral
25 turpitude.

26 **Sec. 9. Powers, Functions, Duties and Responsibilities of the Board.** – The Board
27 shall have the following specific powers, functions, duties and responsibilities:

- 28 (a) prescribe and adopt the rules and regulations necessary to carry out the provisions of
29 this Act;
- 30 (b) supervise the registration, licensure, and practice of environmental planning in the
31 Philippines;
- 32 (c) administer oaths in connection with the administration of this Act;

- 1 (d) issue, suspend, revoke or reinstate Certificates of Registration for the practice of
2 environmental planning;
- 3 (e) adopt an official seal of the Board;
- 4 (f) determine and prepare the contents of licensure examination; score and rate the
5 examination papers, and submit the results thereof to the Commission;
- 6 (g) adopt and promulgate a Code of Ethics and a Code of Technical Standards issued by
7 the duly Accredited Professional Organization ;
- 8 (h) ensure, in coordination with the Commission on Higher Education (CHED), or other
9 authorized government offices, that all higher educational instruction and offering of
10 environmental planning comply with the policies, standards, and requirements of the
11 course prescribed by the CHED or other authorized government offices in the areas of
12 curriculum, faculty, library and facilities;
- 13 (i) monitor the conditions affecting the practice of environmental planning profession
14 and adopt measures necessary for the enhancement of the profession;
- 15 (j) investigate violations of this Act and its rules and regulations, Code of Ethics, Code
16 of Technical Standards, Policy and Measure as may come to its knowledge and, for
17 this purpose, issue *subpoena* and *subpoena duces tecum* to secure the appearance of
18 witnesses and exhibition of the documents and other evidences necessary in
19 connection with the performance of its functions;
- 20 (k) delegate the conduct of hearing or investigation of administrative cases filed before
21 the Board;
- 22 (l) promulgate decisions on such administrative cases;
- 23 (m) discharge such other powers and duties as may affect professional, ethical and
24 technological standards of the environment planning profession in the Philippines;
- 25 (n) perform such other functions and responsibilities in accordance with the provisions of
26 Republic Act No. 8981, otherwise known as the "Professional Regulation
27 Commission Modernization Act of 2000".

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

1 **Sec. 14. Registration Required.** – Upon the effectivity of this Act, no person shall
2 practice or offer to practice environmental planning in the Philippines without having
3 obtained from the Board and the Commission a Certificate of Registration and a Professional
4 Identification Card or a Temporary/Special Permit.

5 **Sec. 15. Examination Required.** – Unless provided otherwise under this Act, all
6 applicants for registration for the practice of environmental planning shall be required to pass
7 the professional licensure examination as herein provided, subject to the payment of fees
8 prescribed by the Commission. Examinations for the practice of environmental planning in
9 the Philippines shall be given by the Board at least once every year in such places and dates
10 as the Commission may designate in accordance with the provisions of Republic Act No.
11 8981.

12 **Sec. 16. Rating in the Licensure Examination.** – To pass the licensure examination
13 each person must obtain a weighted average of no less than seventy per centum (70%) and a
14 rating of no less than fifty per centum (50%) in any examination subject.

15 **Sec. 17. Subjects of Examination.** – The licensure examination for environmental
16 planner shall include, but shall not be limited to, the following:

- 17 a) History, concepts, theories, and principles of environmental planning
- 18 b) Environmental planning process, methods/techniques, and strategies
- 19 c) Environmental plan implementation, legal aspects, and administration

20 These subject areas shall include topics and subtopics in accordance with the syllabi
21 or tables of specifications of subjects for licensure examinations by the Board in consultation
22 with the academe and the Accredited Professional Organization. The subject areas and syllabi
23 may be revised as the need arises to conform to changes and new developments brought
24 about by trends in the profession.

25 **Sec. 18. Qualifications for Examination.** – Any person applying to take the
26 licensure examination as herein provided shall establish to the satisfaction of the Board that
27 he/she has the following qualifications:

- 28 (a) A citizen of the Philippines or a foreign citizen whose country or state has reciprocity
29 agreement in the practice of the profession.
- 30 (b) A holder of any of the following degrees from duly recognized schools, college or
31 universities accredited by the Commission on Higher Education:

- (1) A Master's degree in Environmental Planning, urban/city and regional planning, or town and country planning or its equivalent;
- (2) A Post-Graduate Diploma in environmental planning, city and regional planning or its equivalent, and with at least one (1) year on-the-job training as required herein;
- (3) A Bachelor's degree in Environmental Planning, City Planning or Urban and Regional Planning, or Town and Country Planning, or its equivalent, and with two (2) years of on-the-job training as required herein;
- (4) A Master's or Doctorate degree in either architecture, engineering, ecology, economics, geography, public administration, business administration, sociology, social science, law, environmental science, environmental management, development management, natural resources planning and development and related disciplines acceptable to the Board, and with three (3) years of on-the-job training as required herein: *Provided*, That a person falling under this paragraph, may be allowed to take the licensure examination only within the next ten (10) years after the effectivity of this Act;
- (5) A Bachelor's degree in architecture, engineering, economics, public administration, law, social work and community development or sociology and other related disciplines acceptable to the Board and with five (5) years of on-the-job training as required herein: *Provided*, That a person falling under this paragraph, may be allowed to take the licensure examination only within the next ten (10) years after the effectivity of this Act
- (6) Incumbent holders of planning positions in the national, regional; or local government offices or agencies including government owned and controlled corporations who have been engaged in development planning functions acceptable to the Board: *Provided*, That they are holders of professional civil service eligibility and they must have undergone at least eighty (80) hours of in-service training or distance learning in developmental planning from a government agency, school or institution accredited by proper authorities: *Provided, further*, That a person falling under this paragraph may be allowed to take the licensure examination only within the next five (5) years after the effectivity of this Act.

1 (c) Of good moral character; and

2 (d) Not convicted of an offense involving moral turpitude by a court of competent
3 jurisdiction.

4 The on-the-job training required in this section must be undertaken under the
5 supervision of a registered Environmental Planner or the applicant's immediate supervisor, in
6 an agency or organization, acceptable to the Board, which is engaged or involved in
7 environmental planning functions or programs.

8 **Sec. 19. Issuance of Certificate of Registration and Professional Identification**

9 **Card.** - A certificate of registration shall be issued to those who are registered with or
10 without licensure examination subject to payment of fees prescribed by the Commission. It
11 shall bear the signatures of the Chairperson of the Commission and of the Chairperson and
12 Members of the Board, stamped with the official seal of the Commission and of the Board,
13 certifying that the person named therein is entitled to the practice of the profession with all
14 the privileges appurtenant thereto. Until withdrawn, revoked, or suspended in accordance
15 with this Act, it shall remain in full force and effect.

16 A professional identification card bearing the registration number and date, its validity
17 and expiry duly signed by the Chairperson of the Commission shall likewise be issued to
18 every registrant who has paid the prescribed fees.

19 **Sec. 20. Refusal to Register.** - The Board shall not register any successful applicant
20 for registration with or without licensure examination who has been:

21 (a) Convicted of an offense involving moral turpitude by a court of competent
22 jurisdiction,

23 (b) Found guilty of immoral or dishonorable conduct by the Board,

24 (c) Summarily adjudged guilty for violation of the General Instructions to
25 Examinees by the Board.

26 (d) Declared of unsound mind by the court of competent jurisdiction.

27 In refusing such registration, the Board shall give the applicant a written statement
28 setting forth the reasons therefor and shall file a copy thereof in its records.

29 **Sec. 21. Revocation or Suspension of the Certificate of Registration and**
30 **Cancellation of Temporary/Special Permit.** - The Board shall have the power, upon notice
31 and hearing, to revoke or suspend the certificate of registration of a registered and licensed
32 Environmental Planner or to cancel a temporary/special permit granted to a foreign

1 Environmental Planner, for violation of any grounds or cases in Sec. 20 of this Act, except
2 paragraph (c) thereof, and on any of the following grounds:

- 3 (a) Violation of a provision of this Act, its Implementing Rules and Regulation, Code
4 of Ethics, Code of Technical Standards for the practice of Environmental Planner,
5 policy, and measure of the Board and/or the Commission;
- 6 (b) Perpetration or use of fraud in obtaining his/her certificate of registration,
7 professional identification card, temporary/special permit;
- 8 (c) Gross incompetence, negligence or ignorance resulting to death, injury or damage;
- 9 (d) Refusal to join or to remain a member in good standing of the APO;
- 10 (e) Neglect or failure to pay the annual registration fees for five (5) consecutive years;
- 11 (f) Non-renewal of the professional identification card after lapse of five (5)
12 consecutive years;
- 13 (g) Aiding or abetting the illegal practice of a non-registered and licensed
14 environmental planner by allowing him/her to use his/her certificate of registration
15 and/or professional identification card or his/her special/temporary permit;
- 16 (h) Illegally practicing the profession during his/her suspension from the practice
17 thereof; and
- 18 (i) Addiction to a drug or alcohol abuse impairing his/her ability to practice his/her
19 profession or declared with unsound mind by a court of a competent jurisdiction;

20 The Board shall periodically evaluate the aforementioned grounds and revise or
21 exclude or add new ones as the need arises subject to approval by the Commission.

22 Any person, firm or association may file charges against any registrant in accordance
23 with the provisions of this Section, or the Board may investigate violations of any of the
24 above-mentioned causes. An affidavit-complaint shall be filed together with the affidavits of
25 witnesses and other documentary evidence with the Board through the Legal and
26 Investigation Office. An investigation conducted *motu proprio* shall be embodied in a
27 formal charge to be signed by at least a majority of the members of the Board. The rules on
28 administrative investigation issued by the Commission shall govern the hearing or
29 investigation subject to applicable provisions of this Act, R.A. No. 8981, and the Rules of
30 Court.

31 **Sec. 22. Re-issuance of Revoked Certificate of Registration, Replacement of Lost**
32 **or Damaged Certificate of Registration, Professional Identification Card or**

1 **Temporary/Special Permit.** - The Board may, upon petition, reinstate or re-issue a revoked
2 certificate of registration after two (2) years from the effectivity of the period for revocation,
3 which is the date of surrender of the said certificate and/or the professional identification card
4 if still valid to the Board and/or the Commission. The Board may not require the holder
5 thereof to take another licensure examination. The petitioner shall prove to the Board that
6 he/she has valid reasons to practice his/her profession. For the grant of his/her petition, the
7 Board shall issue a Board Resolution subject to approval by the Commission.

8 A duplicate copy of a lost certificate of registration, professional identification card or
9 temporary/special permit may be reissued in accordance with rules thereon and upon payment
10 of the prescribed fee therefor.

11 **ARTICLE IV**

12 **PRACTICE OF ENVIRONMENTAL PLANNING**

13 **Sec. 23. Vested Rights: Licensed Environmental Planners Registered when this**
14 **Law is Passed .** - All Environmental Planners who are already duly registered with the
15 Board under Presidential Decree No. 1308 and are holders of valid professional identification
16 cards issued by the Commission, and who are in good standing with the accredited
17 professional organization of environmental planners as of the time of the effectivity of this
18 Act shall be deemed automatically registered under this Act.

19 Certificates of Registration and valid Professional Identification Cards held by such
20 persons in good standing shall have the same force and effect as though issued after the
21 passage of this Act.

22 **Sec. 24. Consulting Firms, Partnerships, Corporations, Associations and**
23 **Foundations Engaged in Environmental Planning Practice.** - A consulting firm,
24 partnership, corporation, association or foundation may engage in the practice of
25 environmental planning in the Philippines: *Provided*, That they comply with the following
26 requirements:

- 27 (a) The consulting firm, partnership, corporation or association applies for and is issued a
28 Certificate of Registration by the Board and the Commission to engage in the practice
29 of environmental planning in the Philippines: *Provided*, That majority of the partners
30 of the partnership are registered and licensed environmental planners *Provided*,
31 *further*, That the majority of the members of the Board of Directors or members
32 thereof shall be registered Environmental Planners; and

1 (b) The practice of the consulting firm, partnership, corporation or association in
2 environmental planning shall be carried out by duly registered Environmental
3 Planners.

4 **Sec. 25. Use of Seal.** – All registered Environmental Planners shall obtain a seal of
5 such design as the Board shall authorize and direct: *Provided*, That the serial number of the
6 certificate issued by the Board shall be included in the design of the seal. Plans, designs and
7 programs prepared by or under direct supervision of a registered Environmental Planner shall
8 be stamped with the said seal during the life of the registrant's certificate, and it shall be
9 unlawful for any one to stamp or seal any document with the said seal after the certificate of
10 the registrant named thereon shall have expired or shall have been revoked, unless said
11 certificate shall have been renewed or re-issued.

12 **Sec. 26. Continuing Professional Education.** – The Board, in consultation with the
13 academe and the accredited professional organization, shall prescribe guidelines in the
14 implementation of its Continuing Professional Education (CPE) programs, subject to the
15 approval of the Commission.

16 **Sec. 27. Foreign Reciprocity.** A foreign citizen may be allowed to take the licensure
17 examination and may be given a certificate of registration and professional identification card
18 if he/she can prove that by specific provisions of law the country or state of which he/she is a
19 citizen allows a Filipino environmental planner to practice his/her profession in such country.

20 **Sec. 28. Special/Temporary Permits for Foreign Environmental Planners.** –The
21 practice of foreign Environmental Planners in the Philippines shall be governed by the
22 provisions of R.A. 8981, otherwise known as the PRC Modernization Act of 2000: *Provided*,
23 That any foreign national who has gained entry in the Philippines to perform professional
24 services as an environmental planner or render such services or prepare or produce such
25 documents as are within the scope of practice of environmental planners as set forth in this
26 Act, such as but not limited to being a Consultant in foreign-funded or assisted projects of the
27 government or employed or engaged by Filipino or foreign contractors or private firms,
28 whether or not the nomenclature of his/her profession is specifically called in his/her country
29 of nationality as environmental planning, but who does not meet or wish to comply with the
30 requirements for admission to take the licensure examinations shall, before assuming the
31 duties, functions and responsibilities as environmental planner or consultant, secure a
32 special/temporary permit from the Board subject to the approval of the Commission and the

1 Department of Labor and Employment (DOLE), to practice his/her profession in connection
2 with the project to which he/she was commissioned: *Provided*, That the following conditions
3 are satisfied:

4 (a) That he/she is a citizen or subject of a country which specifically permits Filipino
5 professionals to practice their profession within the territorial limits on the same
6 basis as the subjects or citizens of such foreign country or state;

7 (b) That he/she is legally qualified to practice environmental planning or urban and
8 regional planning, town and country planning or human settlements planning in
9 his/her own country, and that his/ her expertise is necessary and advantageous to the
10 Philippines, particularly in the aspects of technology transfer and specialization;

11 (c) That he/she shall be required to work with a Filipino counterpart and professional fees
12 and services and expenses of documentation pertaining to the project shall be
13 proportionately shared by both foreign and Filipino Environmental Planners,
14 including liabilities and taxes due to the Philippine government, if any, relative to
15 his/her participation therein, or professional services rendered to the project in
16 accordance with established rules and regulations; and

17 (d) That he/she shall obtain an employment permit from DOLE: *Provided*, That the
18 employment permit may be issued to a non- resident alien or to the applicant-
19 employer after a determination of the non-availability of a person in the Philippines
20 who is competent, able and willing at the time of application to perform the services
21 for which the alien is desired: *Provided, further*, That the applicant's country of
22 nationality observes reciprocal conditions for Filipino nationals.

23 **Sec. 29. Indication of Numbers: Certificate of Registration and Professional Tax**

24 **Receipt.** - The environmental planner shall be required to indicate his/her Certificate of
25 Registration (CR) APO Certificate of Membership and Professional Tax Receipt (PTR)
26 Numbers, its date and place of issuance and its expiry.

27 **Sec. 30. Unlawful Practices Under this Act.** - It shall be unlawful for any person
28 or group of persons to:

29 (a) offer or render planning services as defined in Section 4 or within the scope of
30 Section 5 of this Act unless he/she is a Registered Environmental Planner;

- 1 (b) cause, induce, encourage or coerce the preparation of or implement any plan that is
2 not signed by a registered environmental planner, when such plan is so required by
3 this Act to be signed by a registered environmental planner;
- 4 (c) amend, revise, duplicate or make copies of plans, designs, programs and other
5 documents prepared, signed and sealed by an environmental planner without his/her
6 consent;
- 7 (d) sign his/her name, affix his/her seal or use any other method signature on plans,
8 specifications or other documents prepared by another environmental planner; or
- 9 (e) sign for any branch of the work or any function in environmental planning practice
10 not actually performed by him/her except for the environmental planner-in-charge
11 who shall be fully responsible for all plans, specifications and other documents issued
12 under his/her seal or authorized signature.

13 **Sec. 31. Integration of the Profession.** - All environmental planners shall be
14 integrated into one (1) national organization that is duly registered with the Securities and
15 Exchange Commission (SEC). The Board, subject to approval by the Commission, shall
16 accredit the said organization as the one and only integrated and accredited national
17 organization of environmental planners. All environmental planners whose names appear in
18 the Registry Book of Environmental Planners shall *ipso facto* or automatically become
19 members thereof and shall receive thereto all the benefits and privileges upon payments of
20 APO membership fees and dues. Membership in an affiliate organization of environmental
21 planners shall not be barred.

22 **Article V**

23 **ENFORCEMENT OF THE ACT AND PENAL PROVISIONS**

24 **Sec. 32. Enforcement by Government Officials and Officers of the Law.** - It shall
25 be the duty of all government officials and duly constituted law officers of the national,
26 provincial, city or municipal government, to assist the Board and the Commission in
27 enforcing the provisions of this Act and to cause the prosecution of any person violating the
28 same.

29 **Sec. 33. - Positions in Government with Environmental Planning Functions.** The
30 Civil Service Commission (CSC) shall create positions and set qualification standards for
31 environmental planners at various levels in government service including government owned
32 and controlled corporations and other entities. After the lapse of five (5) years from the

effectivity of this Act only registered environmental planners shall be appointed to the position of heads and assistant heads of groups, departments, divisions in government offices, agencies bureaus or instrumentalities thereof, including government-owned and controlled corporations, provinces, cities and municipalities, and such other positions which require the knowledge, skills and competence of registered environmental planners. Appointments made thereafter in violation hereof shall be considered null and void.

Sec. 34. - Civil Liability of Environmental Planners. The Environmental Planner-of-Record in charge of the preparation of an environmental plan as well as other members of the environmental planning team involved in the preparation thereof may be held civilly liable in cases of serious or wholesale damage, failure or destruction of any project subject of or covered by an environmental plan, that resulted in significant adverse impact on affected stakeholders or the concerned ecosystem, within a period of ten (10) years from the time of preparation of such plan, in cases where it is determined by a court of competent jurisdiction that such damage, failure or destruction was foreseeable and may be directly attributed to gross negligence on the part of such environmental planner-of-record and/or environmental planning team member or members, or to highly deficient or inappropriate environmental planning methods, strategies, tools or techniques at variance with generally accepted environmental planning principles, methods and standards.

The government or any affected stakeholder may institute legal action to enforce such liability within five (5) years from the time the damage or destruction occurs.

Sec. 35. Penal Provisions. – Any person who commits any of the unlawful practices under Section 30 hereof and/or any of the following acts shall, upon conviction, be sentenced by imprisonment of not less than six (6) months, nor more than five (5) years or a fine or not less than One Hundred Thousand Pesos (Php100, 000.00) nor more than five hundred thousand pesos (Php500, 000.00) or both, at the discretion of the Court:

- (a) Engaging in the practice of environmental planning in the Philippines without having been registered or without having conformed to the provisions of this Act;
- (b) Presenting or attempting to use as his/her own the Certificate of Registration and/or professional identification card of another registered environmental planner; or a holder of a temporary/special permit;
- (c) Giving any false or forged evidence of any kind to the Board, or impersonating any registered environmental planner or a holder of a temporary/special permit;

- 1 (d) Using a revoked or suspended Certificate of Registration; or an expired or un-
2 renewed professional identification card or temporary/special; permit;
- 3 (e) Using in connection with his/her name or otherwise assuming, using or
4 advertising any title or description tending to convey the impression that he/she is
5 an environmental planner without holding a valid Certificate or Registration and
6 professional identification card or a valid Temporary/Special Permit;
- 7 (f) Implementing or causing the implementation of any plan not prepared and signed
8 by a registered environmental planner in those cases where this Act requires that
9 these be prepared and signed by a such a registered environmental planner; and
- 10 (g) Violating any of the provisions of this Act and the Rules of Regulations thereof.
- 11 In case the offender is a corporation, partnership, association, foundation or juridical
12 person, the penalty of imprisonment shall be imposed on the environmental planner-in-charge
13 jointly and solidarily with the responsible professionals as well as the controlling officer or
14 officers thereof responsible for permitting or causing the violation.

15 16 Article VI

17 TRANSITORY PROVISIONS

18 **Sec. 36. Transitory Provisions.** – Within a period of five (5) years from the
19 effectivity of this Act, local government units may continue to issue appointments to persons
20 who are not registered environmental planners belonging to positions of local planning and
21 development coordinators, or chiefs of local planning and development offices, only on a
22 temporary status or acting capacity.

23 The incumbent Chairman and Members of the Board shall, in an interim capacity,
24 continue to carry out their functions under the provisions of this Act without need for new
25 appointments as chairman and members thereof until the first Board, created under this Act,
26 shall have been constituted or organized pursuant thereto.

27 Article VII

28 FINAL PROVISIONS

29 **Sec. 37. Appropriations** – The Chairperson of the Professional Regulation
30 Commission shall immediately include in the Commission's programs the implementation of
31 this Act, the funding of which shall be included in the annual General Appropriation Act and
32 thereafter.

1 **Sec. 38. - Act Not Affecting Other Professions.** -This Act shall not affect or prevent
2 the practice of any other legally recognized profession.

3 **Sec. 39. - Implementing Rules and Regulations.** - The Board, subject to approval of
4 the Commission, shall prescribe, promulgate, and issue the implementing rules and
5 regulations of this Act, after consultation with the APO, other agencies and concerned private
6 organizations, within ninety (90) days from the effectivity of this Act.

7 **Sec. 40. - Separability Clause.** - If any part or section of this Act shall be
8 declared unconstitutional, such declaration shall not invalidate the other provisions hereof.

9 **Sec. 41. - Repealing Clause.** Presidential Decree No. 1308 is hereby repealed. All
10 other laws, orders, rules and regulations or resolutions or parts thereof inconsistent with the
11 provisions of this Act are hereby repealed or amended accordingly.

12 **Sec. 42. - Effectivity.** - This Act shall take effect fifteen (15) days following its
13 publication in the *Official Gazette* or in any newspaper of general circulation.

14 Approved,