

FIFTEENTH CONGRESS OF THE REPUBLIC OF THE PHILIPPINES

HOUSE OF REPRESENTATIVES

H.B. No. 842

INTRODUCED BY THE HONORABLE ANGELO PALMONES

EXPLANATORY NOTE

Society benefits from microorganisms in various ways. They are employed in the production of foods and condiments such as bread, cheese, beer, soy sauce and pharmaceuticals such as antibiotics, vaccines, hormones like insulin and vitamins. They are also employed in environmental clean-up and in the production of biogas and bioethanol. Life on earth is preserved with the action of microorganisms in the cycling of major elements such as carbon, oxygen, nitrogen, phosphorus and sulfur, both in terrestrial and aquatic ecosystems. Furthermore, microorganisms are the source of nutrients at the base of ecological food chains and food webs. Microorganisms are employed in scientific research and technology. Microbes and the principles of microbiology form the foundation of modern biotechnology such as genetic engineering and tissue culture. Conversely, microorganisms are responsible for the spoilage of food and manufactured goods and for post harvest losses in agricultural crops. Food poisoning and many diseases in humans such as HIV, pneumonia, typhoid, and cholera, in livestock such as foot and mouth disease, and in crops such as bacterial leaf blight in rice, Sigatoka disease in bananas, abaca bunchy top and damping off in vegetables.

The handling of microorganisms takes special skills and knowledge. Such skills and knowledge are essential in the quality control of processed foods and manufactured goods, in managing environmental pollution, in managing/preventing epidemics and pandemics in human, animal and crop populations and in efficiently producing microbial-based goods and services. The teaching and training for microbiological skills and knowledge is within the academic programs of universities and colleges. Inevitably due to differences in philosophy, facilities and resources, the content and emphasis in training differ. Given the important role of microbiologists in the quality control of processed foods and manufactured goods, in managing

environmental pollution, in managing/preventing epidemics and pandemics in human, animal and crop populations and in efficiently producing microbial-based goods and services, it is imperative that the profession of microbiology be regulated.

A handwritten signature in black ink, consisting of a stylized 'J' followed by a long vertical line.

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THE REPUBLIC OF THE PHILIPPINES**

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**AN ACT REGULATING THE PRACTICE OF MICROBIOLOGY IN THE
PHILIPPINES AND FOR OTHER PURPOSES**

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

ARTICLE I

TITLE, DECLARATION OF POLICY AND OBJECTIVES

SECTION 1. *Title* - The act shall be known as the Microbiology Act of 2009

SECTION 2. *Statement of policy and objective* -- The State recognizes the important role of microbiologists in national development. It is the object of this Act to institute a regulatory system that guarantees the delivery of technical services that ensures food safety, quality manufactured goods and responsive health and environmental care and prevents the rapid spread of microbial-caused diseases in human and animal populations.

ARTICLE II

DEFINITION OF TERMS

SECTION 3. *Definition of terms* - As used in this Act, the following terms shall mean:

- (a) *Practice of the microbiology profession* shall refer to the profession requiring the application of the fundamental and known principles of microbiology to the peculiar

condition and requirements of food safety and manufacturing standards, responsive healthcare and disease prevention, environmental quality management and shall include, but not limited to, the following:

- (1) Consultation, valuation, investigation and management services on the identification of microbial agents in food, feed, human and animal diseases and in environmental impact assessments
 - (2) Management or supervision and the preparation of designs, plans, specifications, project studies and estimates for microbial-based processes and related manufacturing and waste management facilities
 - (3) Conducting research and development, training and extension work, and consultancy services on the various areas of microbiology such as general microbiology, food microbiology, agricultural microbiology, industrial, veterinary, medical, aquatic and environmental and on microbiological facilities/services, system and technologies
 - (3) Microbiological testing and inspection of food, pharmaceutical, agricultural, fishery and forest products
 - (4) Management, manufacturing and/or marketing of microbial and microbial-based products
 - (5) Quality control in the manufacture of foods, food additives, flavors, pharmaceuticals, cosmetics, biofuels and biofertilizers
 - (6) Teaching microbiology subjects in institution of learning in the Philippines
 - (7) Employment with the government provided such item or position requires the knowledge and expertise of a microbiologist.
- (b) *Microbiologist* - A microbiologist is a natural person who has been issued a certificate of registration by the Board of Microbiology and has taken the oath of profession of microbiologist.

ARTICLE III.

BOARD OF MICROBIOLOGY

SECTION 4. *Creation and composition of the Board* - There is hereby created a Board of Microbiology hereinafter referred to as the Board, composed of Chairman and two (2) Members who shall be appointed by the President of the Republic from recommendees of the Professional Regulation Commission, hereinafter referred to as the Commission, from the nominees chosen solely and ranked from and only from the Philippine Academy of Microbiology of the Philippine Society of Microbiology.

The Board shall be organized not later than six (6) months from the effectivity of this Act.

SECTION 5. *Powers and functions of the Board* – The Board shall be vested with the following powers and functions:

- a. Promulgate, administer and enforce rules and regulations necessary in carrying out the provisions of this Act, in accordance with the Charter of the Commission
- b. Supervise and regulate the registration, licensure, and practice of microbiology in the Philippines
- c. Administer oaths in connection with the administration of this Act
- d. Adopt an official seal of the Board
- e. Maintain a roster of microbiologists indicating therein the basic information about the registered professionals
- f. Issue, reinstate, suspend or revoke the Certificate of Registration and/or Professional license for the practice of Microbiology
- g. Monitor the conditions affecting the practice of microbiology and adopt such measures as may be deemed necessary for the enhancement of the profession and/or maintenance of high professional, ethical and technical standards
- h. Prescribe and/or adopt a Code of Ethics for the practice of microbiology
- i. Hear or investigate any violation of this Act, its Implementing Rules and Regulations and the Code of Ethics for Microbiologists as shall come to the knowledge of the Board, and for this purpose, to issue *subpoena* and *subpoena duces tecum* to secure the appearance of witnesses and the production of documents in connection therewith
- j. Approve registration without examination, subject to review by the Commission
- k. Issue special permits to persons admitted to the practice of microbiology for a specific duration, and certification of recognition to Microbiologist for graduate degree, outstanding researches, highly specialized trainings and accomplishments that contribute to the enrichment of the profession
- l. Submit an annual report at the close of each fiscal year on the proceedings and accomplishments of the Board during the year as any recommendations of the same Commission with the end in view of upgrading and improving the conditions affecting the practice of Microbiology in the Philippines

- m. Discharge such powers and functions as the Board may deem necessary for the practice of the profession and the upgrading, enhancement, development and growth of Microbiology in the Philippines.

The policies and resolutions, rules and regulations, orders, or decisions issued or promulgated by the Board shall be subject to the review and approval of the Commission. Provided, however, that the decisions, resolutions, orders rendered by the Board which are interlocutory in an administrative case shall be subject to review on appeal.

SECTION 6. *Qualifications of the Chairman and Members of the Board* – The Chairman and Members of the Board shall at the time of appointment, possess the following qualifications:

- a. Must be a Filipino citizen and resident of the Philippines
- b. Must be of proven integrity and with high moral values as evidenced by his/her past performances
- c. Must be a holder of a bachelor's degree in Microbiology or related field with at least 24 units in Microbiology
- d. Diplomate or Fellow of the Philippine Academy of Microbiology of the Philippine Society of Microbiology who has been in active service for a period of at least ten (10) years either in government or private practice
- e. Duly registered Microbiologist under this Act with a valid Certificate and Professional License who has been in the active service for a period of at least ten (10) years either in government or private practice. This qualification shall be waived only for the members of the first Board.
- f. A member of good standing of the Philippine Society for Microbiology Inc.
- g. Not an investor, consultant or financially involved directly or indirectly in any school, college, university or institution conferring an academic degree for admission to the practice of microbiology or where review classes in preparation for the licensure examination are being offered or conducted and
- h. Not convicted of any offense involving moral turpitude

SECTION 7. *Tenure of Office* – The Chairman and Members of the Board shall have been appointed and duly qualified. Provided, that Members of the first appointed Board shall hold office under the following terms: one (1) Member as Chairman for three(3) years, one (1) Member for two(2) years and one (1) Member for one (1) year.

The Chairman and members of the first Board shall be automatically registered as Microbiologists and issued with certificate of Registration and Professional license.

The Chairman and Member of the Board may be reappointed for another term but in no case shall he/she serve continuously for more than six (6) years. They shall take the proper oath of office prior to assumption of duty.

SECTION 8. *Meetings of the Board* – The Board shall hold annual regular meetings and other such regular meetings at such times as the rules of the Board may provide but not less than four times a year. Special meetings may also be held upon the call of the Chairman or request by a majority of its Members. Reasonable notice of all meetings shall be given in the manner prescribed by the rules of the Board. A quorum of the Board shall consist of a majority of its Members.

SECTION 9. *Compensation and allowances of the Board* – The Chairman and Members of the Board shall receive compensation and allowances equivalent to those being received by the Chairman and members of existing regulatory boards under the Commission as provided for in the General Appropriations Act.

SECTION 10. *Vacancy and removal of Board Members*. Any vacancy on the Board shall be filled for the remaining unexpired portion of the term only.

The Chairman or any member of the Board may be suspended or removed from Office by the President of the Republic of the Philippines upon the recommendation of the Commission for neglect of duty, incompetence, malpractice, commission or tolerance of irregularities in any examination given by the Board, unprofessional or unethical conduct, after due notice and hearing where his/her right to be heard, to defend him/herself and to be assisted by counsel shall be respected in a proper administrative investigation; Provided that during the process of investigation the Commission shall have the power to suspend such member under investigation, the Commission shall appoint a temporary member in his/her place. The Commission's decision may be appended within fifteen (15) days to the President of the Republic of the Philippines whose decision shall be final and executor.

SECTION 11. *Supervision of the Board, Custodian of the Records, Secretariat and Support Services* – The Board shall be under the general supervision and administrative control of the Commission. All records of the Board, including applications for examination papers and results, minutes of deliberation, administrative cases and other investigative cases involving Microbiologists shall be kept by the Commission.

The Commission shall designate the Secretary of the Board and shall provide secretariat support services to implement the provisions of this Act.

ARTICLE IV.

EXAMINATION AND REGISTRATION

SECTION 12. *Licensure Examination* – Every applicant seeking to be registered and licensed as Microbiologist shall undergo and pass a written technical examination to be given by the Board at least once a year in such places and dates as the Commission may designate.

SECTION 13. *Qualifications for examination* - Any person applying for admission to the licensure examination for Microbiologist shall establish to the satisfaction of the Board that:

- a. He is a citizen of the Philippines
- b. He is of good moral character
- c. He has not been convicted by a competent court of an offense involving moral turpitude:
- d. He has earned at least 18 units in Microbiology and holds a baccalaureate or post graduate degree in Microbiology or any related field

SECTION 14. *Scope of examination* – The Board shall base licensure examination on six (6) subjects having equal weight:

- a. General microbiology
- b. Microbial physiology
- c. Microbial ecology
- d. Microbial genetics
- e. Virology
- f. Elective (choice among: Food, Industrial, Medical)

Provided that the Board may have the authority to revise the subjects as it sees the need to do so.

SECTION 15. *Release of the Results of Examination* – The Board and the Commission shall correct and rate the licensure examination results within fifteen (15) days after the said examination.

SECTION 16. *Rating in examination* – An examinee shall be deemed to have successfully passed the examination if he has obtained an average of at least seventy percent (70%); Provided that in no case should the rating in any subject be less than fifty percent (50%); Provided further that an applicant who fails to obtain a passing average but who obtained at least seventy percent (70%) in at least three(3) subjects given in the examination may be permitted to take any number

of times, a removal examination on the subject or subjects in which he/she obtained a grade below seventy percent (70%).

SECTION 17. *Issuance of the Certificate and Registration and Professional License* – A certificate of Registration shall be issued to examinees who pass the licensure examination for Microbiology. The Certificate of Registration shall have the signature of the Chairman of the Commission and the Members of the Board, stamped with the official seal, indicating that the person named therein is entitled to practice the profession with all the privileges appurtenant thereto.

This Certificate shall remain in full force and effect until withdrawn, suspended or revoked in accordance with this Act.

A professional License, duly signed by the Chairman of the Commission, bearing the registration number, date of issuance, expiry date, shall likewise be issued to every registrant who has paid the annual registration fee. This license shall serve as evidence that the Licensee can lawfully practice his/her profession until the expiration of its validity.

SECTION 18. *Registration Without Examination.* The first Board shall, within a period of one(1) year from the effectivity of this Act, issue a Certificate of Registration and Professional License without the necessity of undergoing and passing the licensure examination for Microbiology, to any applicant who together with his/her application for registration shall present evidence or proof satisfactory to the Board that:

- a. He/She is a Filipino citizen, a person of good moral character
- b. He/She is a member of good standing of the Philippine Society of Microbiology or a Diplomate of the Philippine Academy of Microbiology and has been practicing the profession for at least ten (10) years
- c. He/She is accredited by the Philippine Academy of Microbiology as register or specialist microbiologist

SECTION 19. *Refusal to register* – The Board shall refuse to issue the Certificate of Registration and/or Professional License to any person who has been convicted by a Court of competent jurisdiction of any crime involving moral turpitude, or has been found guilty of immoral or dishonorable conduct after due investigation by the Board, or has been declared to be of unsound mind. The record of refusal shall be set forth in writing and shall be incorporated with the records of the Board.

SECTION 20. *Revocation or Suspension of the Certificate of Registration and Professional License* – The Board may after giving proper notice and hearing to the party concerned, revoke the practitioner's certificate of Registration and cancel his professional License, thereby suspending him/her from the practice of the profession for any unprofessional or unethical

conduct, malpractice, violation of any of the provisions of this Act, its rules and regulations or upon conviction of any crime.

SECTION 21. *Reinstatement, Reissuance or Replacement of Certificate of Registration and Professional License.* – The Board may, upon application and for reasons deemed proper and sufficient, reinstate any revoked Certificate of Registration, reissue any suspended Professional License or replace lost, destroyed or mutilated documents subject to rules implemented by the Board.

SECTION 22. *Renewal of Professional License* – The Professional License shall be renewed every three (3) years upon satisfying the requirements imposed by the Board, such as compliance with a continuing education program and payment of the corresponding fees as may be prescribed by the Board in accordance with the schedule of fees fixed by the Commission.

SECTION 23. *Roster of Microbiologists* - The Board shall keep a roster of duly registered and licensed microbiologists, indicating their names, registration numbers, nature of work, and other pertinent information. The Board shall regularly update such roster and make it available to all interested parties.

SECTION 24. *Practice of microbiology in other professions registered with the Professional Regulatory Commission* - Other professionals registered with the Philippine Regulatory Commission where microbiology is an essential component of their practice such Doctor of Medicine, Doctor of Veterinary Medicine and Medical technologist may continue to practice microbiology without registering under this Act.

SECTION 25. *Issuance of Temporary or Special Permits* – Without prejudice to the existing laws on the practice of professions by foreigners in the Philippines, the following may be issued temporary or special permits to practice Microbiology in the Philippines.

- a. Foreign registered and/or licensed Microbiologist recognized as experts in their specific fields, called in by the Philippine government for consultation or for any specific activity and
- b. Foreign registered and/or licensed Microbiologist who have distinguished themselves in their respective fields of specialization and who are either directly hired or employed as professors,/lecturers/instructors in Microbiology by Philippine schools, colleges, universities or research institutions.

Provided; however, that their practice of the profession shall be limited to the particular work for which they have been commissioned; Provided further, that the said temporary or special permit shall be valid only for one(1) year subject to renewal every year.

ARTICLE V

PRACTICE OF MICROBIOLOGY

SECTION 26. *Prohibitions and Limitations in the Practice of Microbiology* – No person shall offer him/herself in the Philippines as a microbiologist, or use of any word, letter, figure or sign whatsoever, tending to convey the impression that he/she is a microbiologist, or advertise that he is qualified to perform the work as such, without holding a valid Certificate of Registration and a valid Professional License in accordance with this Act, except as provided under Sections 24 and 25 hereof.

SECTION 27. *Professional Oath* – All successful candidates in the examination or registration shall be required to take a professional oath at such place and time as the Board may schedule or before any member of the Board or any person duly authorized by the Commission, prior to the practice of the profession.

SECTION 28. *Code of Ethics* - The Board shall adopt the Code of Ethics for Microbiology promulgated by the Philippine Academy of Microbiology of the Philippine Society of Microbiology, Inc.

SECTION 29. *Foreign Reciprocity* - No foreign Microbiologist shall be admitted to the examination or given a Certificate of Registration or be entitled to any of the privileges under this Act unless the country in which he/she is a citizen specifically permits Filipino microbiologists to practice within its territorial limits on the same basis as the citizens of such foreign state or country.

ARTICLE VI

MISCELLANEOUS PROVISIONS

SECTION 30. *Funding provisions* – The savings from any item of appropriations of the Professional Regulatory Commission shall be utilized for the initial implementation of this Act. Thereafter, such sum as may be necessary to carry out the provisions of this Act shall be included in the annual General Appropriations Act of the year following its enactment into law and thereafter.

SECTION 31. *Enforcement of the Law* - Any law enforcement agency, upon its initiative or call/request of the Board and/or Commission, shall render assistance in enforcing this Act, including its rules and regulations, by apprehending violators thereof and charging them in accordance with the law and rules of the Courts.

SECTION 32. *Implementing Rules and Regulations* – Subject to the approval of Commission, the Board shall adopt and promulgate such rules and regulations, including the Code of Ethics for Microbiologist, to carry out the provisions of this Act, which shall be effective after thirty (30) days following their publication in the Official Gazette or in two(2) major daily newspapers of general circulation.

SECTION 33. *Penal provisions* – Any person who shall violate any of the provisions of this Act or any of its implementing rules and regulations, upon conviction shall be punished by a fine of not less than Ten Thousand pesos (P10,000) nor more than Fifty Thousand Pesos (P50,000) or by imprisonment, of not less than six (6) months nor more than five (5) years, or both such fine and imprisonment at the discretion of the Court.

SECTION 34. *Separability clause* – If any section or provision of this Act shall be declared invalid or unconstitutional, such shall not invalidate any other section or provision of this Act.

SECTION 35. *Repealing Clause* – All laws, decrees, executive orders, rules and regulations or parts thereof which are in conflict with the provisions of this Act are hereby repealed or modified accordingly.

SECTION 36. *Effectivity* – This Act shall take effect thirty (30) days following its full publication in the Official Gazette or two(2) major daily newspaper of general circulation.