

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

COMMITTEE REPORT NO. 942

Submitted by the Committees on Civil Service and Professional Regulation and
Appropriations on 19 MAY 23 1964
Re: House Bill No. 4692
Recommending its approval in substitution of House Bill No. 228
Sponsors: Representatives Andres D. Salvacion, Jr., Joseph Emilio A. Abaya and Amado S.
Bagatsing

Mr. Speaker:

The Committees on Civil Service and Professional Regulation and Appropriations to which
was referred House Bill No. 228 introduced by Rep. Amado S. Bagatsing, entitled:

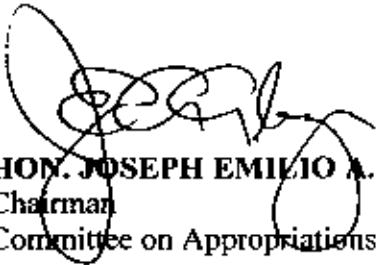
AN ACT
REGULATING THE PRACTICE OF ENVIRONMENTAL PLANNING,
REPEALING FOR THE PURPOSE PRESIDENTIAL DECREE
NUMBERED ONE THOUSAND THREE HUNDRED AND EIGHT,
ENTITLED "LAW REGULATING THE ENVIRONMENTAL PLANNING
PROFESSION IN THE PHILIPPINES", AND FOR OTHER PURPOSES

have considered the same and recommend that the attached House Bill No.
4692 entitled:

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

be approved in substitution of House Bill No. 228, and with Reps. Amado S. Bagatsing,
Andres D. Salvacion, Jr., Joseph Emilio A. Abaya, Daryl Grace J. Abayon, Salvador H.
Escudero III, Randolph S. Ting, Angelo B. Palmones, Dante Antonio L. Tinio, Mariano U.
Piamonte, Jr., Julieta R. Cortuna, Reena Concepcion G. Obillo, Carlos M. Padilla, Isidro S.
Rodriguez, Jr., Rufus B. Rodriguez and Lorenzo R. Tañada III as authors thereof.

Respectfully submitted,



HON. JOSEPH EMILIO A. ABAYA
Chairman
Committee on Appropriations



HON. ANDRES D. SALVACION, JR.
Chairman
Committee on Civil Service
and Professional Regulation

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY

FACT SHEET

House Bill No. 228

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

Introduced by: REPRESENTATIVE AMADO S. BAGATSING

*Committee Referral: COMMITTEE ON CIVIL SERVICE AND
PROFESSIONAL REGULATION (Primary)*

Committee Chairperson: HON. ANDRES D. SALVACION, JR.

Committee Referral: COMMITTEE ON APPROPRIATIONS (Secondary)

Committee Chairperson: HON. JOSEPH EMILIO A. ABAYA

OBJECTIVE:

- To update P.D. 1308, the law regulating the practice of Environmental Planning in the Philippines, to make it at par with global trends and demands.

KEY PROVISIONS:

- Provides for a more responsive and comprehensive regulation for the registration, licensing and practice of Environmental Planning in the light of local and international developments in the field.
- Proposes a clearer definition of the practice of Environmental Planning which involves analysis, harmonization, management and regulation of the use and relationship of land and its environs for the development of sustainable communities and ecosystems.
- Provides for continuing professional education to make Philippine environmental planners globally competitive.

RELATED LAW:

- Presidential Decree No. 1308

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

Fifteenth Congress
First Regular Session

House Bill No. **4692**

Introduced by Representatives Amado S. Bagatsing, Andres D. Salvacion, Jr., Joseph Emilio A. Abaya, Daryl Grace J. Abayon, Salvador H. Escudero III, Randolph S. Ting, Angelo B. Palmones, Dante Antonio L. Tinio, Mariano U. Piamonte, Jr., Julieta R. Cortuna, Recna Concepcion G. Obillo, Carlos M. Padilla, Isidro S. Rodriguez, Jr., Rufus B. Rodriguez and Lorenzo R. Tañada III

AN ACT
REGULATING THE PRACTICE OF ENVIRONMENTAL PLANNING,
REPEALING FOR THE PURPOSE, PRESIDENTIAL DECREE NUMBERED
ONE THOUSAND THREE HUNDRED AND EIGHT, 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

1 **Section 1. Title.** – This Act shall be known as the "Environmental Planning Act
2 of 2011."

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

10 **Sec. 3. Objectives.** This Act shall govern:

- 11 (a) the examination, registration, and licensure of environmental planners;
12 (b) the supervision, control and regulation of the practice of environmental planning;
13 (c) the development and upgrading of the curriculum of environmental planning
14 profession;
15 (d) the development of the professional competence of environmental planners
16 through continuing professional education; and
17 (e) the integration of the environmental planning profession.

1 **Sec. 4. Definition of Terms. –**

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

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

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

13 (1) acts as lead professional in, or coordinates and supervises, the
14 preparation of any of the environmental plans and studies set forth
15 in Section 5 of this Act; or

16 (2) reviews, co-signs and/or officially transmits or endorses to the
17 client any of the plans submitted by other members of a planning
18 team for a program or project; and who shall be held directly liable
19 for such plans co-signed, reviewed, or prepared under one's
20 supervision.

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

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

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

28 (1) preparation of national, regional or local development and/or
29 physical framework and land use plans;

30 (2) preparation of comprehensive land use plans, zoning, and related
31 ordinances, codes, and other legal issuances for the management
32 and development, preservation, conservation, rehabilitation,
33 regulation, and control of the environment, including water
34 resources;

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

Article II

PROFESSIONAL REGULATORY BOARD OF ENVIRONMENTAL PLANNING

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

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

Sec. 7. Term of Office – The chairperson and members of the Board shall hold office for a term of three (3) years from the date of appointment or until their successors shall have been qualified and appointed. They may be reappointed in their positions for another term of three (3) years immediately after the expiry of their term: *Provided*, That the holding of such position shall not be more than two (2) terms nor more than six (6) years, whichever is longer: *Provided, further*, That the first Board under this Act shall

1 hold these terms of office: the chairperson for three (3) years, the first member for two
2 (2) years, and the second member for one (1) year. *Provided, furthermore,* That any
3 appointee to a vacancy with an expired period shall only serve such period. The
4 chairperson and the members shall duly take their oath of office.

5 **Sec. 8. Qualifications of the Chairperson and Members of the Board.** – The
6 chairperson and members of the Board, at the time of their appointment, must be:

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

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

- 24 (a) Prescribe and adopt the rules and regulations necessary to carry out the provisions
25 of this Act;
- 26 (b) Supervise the registration, licensure, and practice of environmental planning in
27 the Philippines;
- 28 (c) Administer oaths in connection with the administration of this Act;
- 29 (d) Issue, suspend, revoke or reinstate certificates of registration for the practice of
30 environmental planning;
- 31 (e) Adopt an official seal of the Board;
- 32 (f) Determine and prepare the contents of licensure examination; score and rate the
33 examination papers, and submit the results thereof to the Commission;
- 34 (g) Adopt and promulgate a Code of Ethics and a Code of Technical Standards issued
35 by the duly accredited professional organization ;

- 1 (h) Ensure, in coordination with the Commission on Higher Education (CHED), or
2 other authorized government offices, that all higher educational instruction and
3 offering of environmental planning comply with the policies, standards, and
4 requirements of the course prescribed by the CHED or other authorized
5 government offices in the areas of curriculum, faculty, library and facilities;
6 (i) Monitor the conditions affecting the practice of environmental planning
7 profession and adopt measures necessary for the enhancement of the profession;
8 (j) Investigate violations of this Act and its rules and regulations, Code of Ethics,
9 Code of Technical Standards, Policy and Measure as may come to its knowledge
10 and, for this purpose, issue *subpoena* and *subpoena duces tecum* to secure the
11 appearance of witnesses and exhibition of the documents and other evidences
12 necessary in connection with the performance of its functions;
13 (k) Delegate the conduct of hearing or investigation of administrative cases filed
14 before the Board;
15 (l) Promulgate decisions on such administrative cases;
16 (m) Discharge such other powers and duties as may affect professional, ethical and
17 technological standards of the environmental planning profession in the
18 Philippines; and
19 (n) Perform such other functions and responsibilities in accordance with the
20 provisions of Republic Act No. 8981, otherwise known as the "PRC
21 Modernization Act of 2000".

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

26 **Sec. 10. Compensation of the Board.** – The chairperson and members of the
27 Board shall receive compensation and allowances comparable to the compensation and
28 allowances received by the chairpersons and members of existing professional regulatory
29 boards under the Commission as provided for by the General Appropriations Act.

30 **Sec. 11. Administrative Supervision of the Board, Custodian of its Records,**
31 **Secretariat and Support Services.** – The Board shall be under the administrative
32 supervision of the Commission. All records of the Board, including applications for
33 examinations, and administrative and other investigative cases conducted by the Board
34 shall be under the custody of the Commission. The Commission shall designate the
35 Secretary of the Board and shall provide the secretariat and other support services to
36 implement the provisions of this Act.

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

- 3 (a) History, concepts, theories, and principles of environmental planning
4 (b) Environmental planning process, methods/techniques and strategies; and
5 (c) Environmental plan implementation, legal aspects and administration

6 These subject areas shall include topics and subtopics in accordance with the
7 syllabi or tables of specifications of subjects for licensure examinations by the Board in
8 consultation with the academe and the accredited professional organization. The subject
9 areas and syllabi may be revised as the need arises to conform to changes and new
10 developments brought about by trends in the profession.

11 **Sec. 18. Qualifications for Examination.** – Any person applying to take the
12 licensure examination as herein provided shall establish to the satisfaction of the Board
13 that one has the following qualifications:

14 (a) A citizen of the Philippines or a foreign citizen whose country or state has
15 reciprocity agreement in the practice of the profession.

16 (b) A holder of any of the following degrees from duly recognized schools, college or
17 universities accredited by the Commission on Higher Education:

18 (1) A Master's degree in environmental planning, urban/city and regional
19 planning, or town and country planning or its equivalent;

20 (2) A post-graduate diploma in environmental planning, city and regional
21 planning or its equivalent, and with at least one (1) year on-the-job
22 training as required herein;

23 (3) A Bachelor's degree in environmental planning, city planning or urban
24 and regional planning, or town and country planning, or its equivalent, and
25 with two (2) years of on-the-job training as required herein;

26 (4) A Master's or Doctorate degree in either architecture, engineering,
27 ecology, economics, geography, public administration, business
28 administration, sociology, social science, law, environmental science,
29 environmental management, development management, natural resources
30 planning and development and related disciplines acceptable to the Board.
31 and with three (3) years of on-the-job training as required herein:
32 *Provided*, That a person falling under this paragraph, may be allowed to
33 take the licensure examination only within the next ten (10) years after the
34 effectivity of this Act;

35 (5) A Bachelor's degree in architecture, engineering, economics, public
36 administration, law, social work and community development or sociology

1 and other related disciplines acceptable to the Board and with five (5)
2 years of on-the-job training as required herein: *Provided*, That a person
3 falling under this paragraph, may be allowed to take the licensure
4 examination only within the next ten (10) years after the effectivity of this
5 Act;

6 (6) Incumbent holders of planning positions in the national, regional; or local
7 government offices or agencies including government owned and
8 controlled corporations who have been engaged in development planning
9 functions acceptable to the Board: *Provided*, That they are holders of
10 professional civil service eligibility and they must have undergone at least
11 eighty (80) hours of in-service training or distance learning in
12 developmental planning from a government agency, school or institution
13 accredited by proper authorities: *Provided, further*, That a person falling
14 under this paragraph may be allowed to take the licensure examination
15 only within the next five (5) years after the effectivity of this Act.

16 (c) Of good moral character; and

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

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

23 **Sec. 19. Issuance of Certificate of Registration and Professional**
24 **Identification Card.** - A certificate of registration shall be issued to those who are
25 registered with or without licensure examination subject to payment of fees prescribed by
26 the Commission. It shall bear the signatures of the Chairperson of the Commission and of
27 the Chairperson and Members of the Board, stamped with the official seal of the
28 Commission and of the Board, certifying that the person named therein is entitled to the
29 practice of the profession with all the privileges appurtenant thereto. Until withdrawn,
30 revoked, or suspended in accordance with this Act, it shall remain in full force and effect.

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

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

1 (a) convicted of an offense involving moral turpitude by a court of competent
2 jurisdiction

3 (b) found guilty of immoral or dishonorable conduct by the Board

4 (c) summarily adjudged guilty for violation of the General Instructions to Examinees
5 by the Board

6 (d) declared of unsound mind by the court of competent jurisdiction.

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

9 **Sec. 21. Revocation or Suspension of the Certificate of Registration and**
10 **Cancellation of Temporary/Special Permit.** - The Board shall have the power, upon
11 notice and hearing, to revoke or suspend the certificate of registration of a registered and
12 licensed environmental planner or to cancel a temporary/special permit granted to a
13 foreign environmental planner, for violation of any grounds or cases in Sec. 20 of this
14 Act, except paragraph (c) thereof, and on any of the following grounds:

15 (a) Violation of a provision of this Act, its Implementing Rules and Regulation, Code
16 of Ethics, Code of Technical Standards for the practice of Environmental Planner,
17 policy, and measure of the Board and/or the Commission;

18 (b) Perpetration or use of fraud in obtaining the certificate of registration,
19 professional identification card or temporary/special permit;

20 (c) Gross incompetence, negligence or ignorance resulting to death, injury or
21 damage;

22 (d) Refusal to join or to remain a member in good standing of the APO;

23 (e) Neglect or failure to pay the annual registration fees for five (5) consecutive
24 years;

25 (f) Non-renewal of the professional identification card after lapse of five (5)
26 consecutive years;

27 (g) Aiding or abetting the illegal practice of a non-registered and non-licensed
28 environmental planner by allowing the use of the certificate of registration and/or
29 professional identification card or the special/temporary permit;

30 (h) Illegally practicing the profession during the suspension from the practice thereof;
31 and

32 (i) Addiction to a drug or alcohol abuse impairing one's ability to practice the
33 profession or declaration by a court of competent jurisdiction that one is of
34 unsound mind.

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

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

10 **Sec. 22. Re-issuance of Revoked Certificate of Registration, Replacement of**
11 **Lost or Damaged Certificate of Registration, Professional Identification Card or**
12 **Temporary/Special Permit.** - The Board may, upon petition, reinstate or re-issue a
13 certificate of registration after two (2) years from the effectivity of the period for
14 revocation, which is the date of surrender of the valid certificate and/or the professional
15 identification card to the Board and/or the Commission. The Board may not require the
16 holder thereof to take another licensure examination. The petitioner shall prove to the
17 Board that he or she has valid reasons to practice the profession. To grant the petition,
18 the Board shall issue a Board Resolution, subject to approval of the Commission.

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

22 **Article IV**

23 **PRACTICE OF ENVIRONMENTAL PLANNING**

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

30 Certificates of registration and valid professional identification cards held by such
31 persons in good standing shall have the same force and effect as though issued after the
32 passage of this Act.

33 **Sec. 24. Consulting Firms, Partnerships, Corporations, Associations and**
34 **Foundations Engaged in Environmental Planning Practice.** - A consulting firm,
35 partnership, corporation, association or foundation may engage in the practice of

1 environmental planning in the Philippines: *Provided*, That they comply with the
2 following requirements:

3 (a) The consulting firm, partnership, corporation or association applies for and is
4 issued a certificate of registration by the Board and the Commission to engage in
5 the practice of environmental planning in the Philippines: *Provided*, That
6 majority of the partners of the partnership are registered and licensed
7 environmental planners: *Provided, further*, That the majority of the members of
8 the Board of Directors or members thereof shall be registered environmental
9 planners; and

10 (b) The practice of the consulting firm, partnership, corporation or association in
11 environmental planning shall be carried out by duly registered environmental
12 planners.

13 **Sec. 25. Use of Seal.** – All registered environmental planners shall obtain a seal
14 of such design as the Board shall authorize and direct: *Provided*, That the serial number
15 of the certificate issued by the Board shall be included in the design of the seal. Plans,
16 designs and programs prepared by or under direct supervision of a registered
17 environmental planner shall be stamped with the said seal during the life of the
18 registrant's certificate, and it shall be unlawful for any one to stamp or seal any document
19 with the said seal after the certificate of the registrant named thereon shall have expired
20 or shall have been revoked, unless said certificate shall have been renewed or re-issued.

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

25 **Sec. 27. Foreign Reciprocity.** – No foreigner shall be admitted to the examination
26 or be given a certificate of registration or be entitled to any of the privileges under this
27 Act unless the country of which he or she is a subject or citizen specifically permits
28 Filipino environmental planners to practice within its territorial limits on the same basis
29 as the subjects or citizens of such foreign state or country.

30 **Sec. 28. Special/Temporary Permits for Foreign Environmental Planners.** –
31 The practice of foreign environmental planners in the Philippines shall be governed by
32 the provisions of R.A. 8981, otherwise known as the PRC Modernization Act of 2000:
33 *Provided*, That foreign nationals who have gained entry in the Philippines to perform
34 professional services as environmental planners, render such services, prepare or produce
35 such documents as are within the scope of practice of environmental planners as set forth
36 in this Act, such as but not limited to being consultants in foreign-funded or assisted

1 projects of the government, employed or engaged by Filipino or foreign contractors or
2 private firms, whether or not the nomenclature of the profession is specifically called in
3 their country of nationality as environmental planning, but who do not meet or wish to
4 comply with the requirements for admission to take the licensure examinations shall,
5 before assuming the duties, functions and responsibilities as environmental planners or
6 consultants, secure a special/temporary permit from the Board subject to the approval of
7 the Commission and the Department of Labor and Employment (DOLE), to practice the
8 profession in connection with the project to which they were commissioned: *Provided*,
9 That the following conditions are satisfied:

10 (a) That the foreign nationals are citizens or subjects of a country which specifically
11 permits Filipino professionals to practice their profession within the territorial
12 limits on the same basis as the subjects or citizens of such foreign country or
13 state;

14 (b) That they are legally qualified to practice environmental planning or urban and
15 regional planning, town and country planning or human settlements planning in
16 their own country, and that their expertise is necessary and advantageous to the
17 Philippines, particularly in the aspects of technology transfer and specialization;

18 (c) That they shall be required to work with a Filipino counterpart and professional
19 fees and services and expenses of documentation pertaining to the project shall be
20 proportionately shared by both foreign and Filipino environmental planners,
21 including liabilities and taxes due to the Philippine government, if any, relative to
22 their participation therein, or professional services rendered to the project in
23 accordance with established rules and regulations; and

24 (d) That they shall obtain an employment permit from DOLE: *Provided*, That the
25 employment permit may be issued to a non-resident alien or to the applicant-
26 employer after a determination of the non-availability of a person in the
27 Philippines who is competent, able and willing at the time of application to
28 perform the services for which the foreign nationals are desired: *Provided*,
29 *further*, That the applicants' country of nationality observes reciprocal conditions
30 for Filipino nationals.

31 **Sec. 29. Indication of Certificate of Registration and Professional Tax**
32 **Receipt.** - The environmental planner shall be required to indicate one's certificate of
33 registration, including the professional tax receipt number on the document one signs,
34 uses or issues in connection with the practice of one's profession.

35 **Sec. 30. Unlawful Practices Under This Act.** It shall be unlawful for any
36 person or group of persons to:

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

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

24 **Article V**

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

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

31 **Sec. 33. Positions in Government with Environmental Planning Functions.** -
32 The Civil Service Commission (CSC) shall create positions and set qualification
33 standards for environmental planners at various levels in government service including
34 government owned and controlled corporations and other entities. After the lapse of five
35 (5) years from the effectivity of this Act only registered environmental planners shall be
36 appointed to the position of heads and assistant heads of groups, departments, divisions in

1 government offices, agencies bureaus or instrumentalities thereof, including government-
2 owned and controlled corporations, provinces, cities and municipalities, and such other
3 positions which require the knowledge, skills and competence of registered
4 environmental planners. Appointments made thereafter in violation hereof shall be
5 considered null and void.

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

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

21 **Sec. 35. Penal Provisions.** - Any person who commits any of the unlawful
22 practices under Section 30 hereof and/or any of the following acts shall, upon conviction,
23 be sentenced by imprisonment of not less than six (6) months, nor more than five (5)
24 years or a fine or not less than One Hundred Thousand Pesos (Php100, 000.00) nor more
25 than Five Hundred Thousand Pesos (Php500, 000.00) or both, at the discretion of the
26 court:

- 27 (a) Engaging in the practice of environmental planning in the Philippines without
28 having been registered or without having conformed to the provisions of this Act;
29 (b) Presenting or attempting to use as one's own the certificate of registration and/or
30 professional identification card of another registered environmental planner; or a
31 holder of a temporary/special permit;
32 (c) Giving any false or forged evidence of any kind to the Board, or impersonating
33 any registered environmental planner or a holder of a temporary/special permit;
34 (d) Using a revoked or suspended certificate of registration; or an expired or un-
35 renewed professional identification card or temporary/special; permit;

1 (e) Using in connection with one's name or otherwise assuming, using or advertising
2 any title or description tending to convey the impression that one is an
3 environmental planner without holding a valid certificate or registration and
4 professional identification card or a valid temporary/special permit;

5 (f) Implementing or causing the implementation of any plan not prepared and signed
6 by a registered environmental planner in those cases where this Act requires that
7 these be prepared and signed by such a registered environmental planner; and

8 (g) Violating any of the provisions of this Act and the rules of regulations thereof.

9 In case the offender is a corporation, partnership, association, foundation or
10 juridical person, the penalty of imprisonment shall be imposed on the environmental
11 planner-in-charge jointly and solidarily with the responsible professionals as well as the
12 controlling officer or officers thereof responsible for permitting or causing the violation.

13 **Article VI**

14 **TRANSITORY PROVISIONS**

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

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

24 **Article VII**

25 **FINAL PROVISIONS**

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

30 **Sec. 38. Legal Effect on Other Professions.** - This Act shall not affect or
31 prevent the practice of any other legally recognized profession.

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

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

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

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

8 Approved,