

Republic of the Philippines  
HOUSE OF REPRESENTATIVES  
Quezon City

SEVENTEENTH (17<sup>TH</sup>) CONGRESS  
Second Regular Session

HOUSE BILL NO. **6094**



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Introduced by Representative Manuel Monsour T. Del Rosario III

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**EXPLANATORY NOTE**

This bill seeks to amend certain portions of Republic Act No. 8495, An Act Regulating the Practice of Mechanical Engineering in the Philippines otherwise known as the "Philippine Mechanical Engineering Act of 1998".

Over the years, due to the terminology used in R.A. 8495, specifically Section 3(c) thereof, residential, office, commercial, and mixed-used buildings, in particular non-stock, non-profit condominium corporations which are in the nature of Homeowners' Associations, have experienced difficulty in obtaining certain local government permits and/or clearances since they are unable to comply with the requirements under Sections 33 and 34 of R.A. 8495. The law, intended to regulate the practice of mechanical engineering, is affecting citizens residing and working in buildings for the sole reason that under R.A. 8495 elevators, escalators, air-conditioning, heating, and ventilation equipment are considered "mechanical processes, works, projects, or plant-in-progress". Thus, these residential, office, commercial, and mixed-used buildings are being required to comply with rules which were never intended to cover them. While compliance has been attempted, the prohibitive cost of hiring mechanical engineers to stay in a single building to maintain the elevators, escalators, air-conditioning and the like, as well as the apparent insufficiency of available mechanical engineers to support every building in the country thwart any real compliance with the law.

Indeed, the amendment is necessary to clarify that the aforementioned buildings are not within the contemplation of the law since these are not mechanical works, projects, or plants in operation. The usual equipment or machinery in a building which are appurtenant to its use (such as elevators and escalators) do not require a professional mechanical engineer on stand-by since there are already agreements/contracts for the maintenance of the same with the elevator/escalator supplier/service provider. Professional mechanical engineers command a substantial salary, and condominium corporations and buildings simply cannot afford to hire several shifts of them to comply with the requirements of the law.

Hence, there is a need to amend the law to alleviate this unnecessary burden on the people and to curb this potential source of corruption in local governments.

In view of the foregoing, approval of this measure is fervently sought.

  
MANUEL MONSOUR T. DEL ROSARIO III

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AN ACT  
AMENDING CERTAIN PROVISIONS OF REPUBLIC ACT NO. 8495, OTHERWISE  
KNOWN AS THE PHILIPPINE MECHANICAL ENGINEERING ACT OF 1998

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

SECTION 1. Section 3(c) of Republic Act No. 8495 is amended to read as follows:

“Section 3. Definition of Terms. As used in this Act, the following terms shall mean as follows:

X X X.

(c) Mechanical processes, works, projects, or plants shall include stem plants, geothermal plants, dendro-thermal plants, nuclear plants, ocean thermal energy conservation (OTEC) plants, internal combustion plants hydraulic plants, pumping plants, compressed gas plants, all kinds of mills, shops, factories, shipyards drydocks, heating, air-conditioning, ventilating and refrigeration plants containing any mechanical equipment machinery or process deriving power from steam, fossil fuels, wind, air, gas, water, solar heat, nuclear energy, ocean waves and tides, or other energy sources, **PROVIDED, THAT BUILDINGS USED FOR RESIDENTIAL, OFFICE, COMMERCIAL, OR MIXED-USE WHICH UTILIZE THE FOLLOWING MECHANICAL EQUIPMENT SHALL NOT BE DEEMED TO BE OPERATING MECHANICAL PROCESSES, WORKS, PROJECTS, OR PLANTS: (1) ELEVATORS; (2) ESCALATORS; (3) HEATING; (4) AIR-CONDITIONING; (5) VENTILATING EQUIPMENT; OR (6) OTHER MECHANICAL EQUIPMENT NECESSARY AND DESIRABLE FOR RESIDENTIAL, OFFICE, OR COMMERCIAL PURPOSES.**”

**SEC. 2. Separability Clause.** – If any provisions of this Act are subsequently declared invalid or unconstitutional, other provisions hereof which are not affected thereby shall remain in full force and effect.

**SEC. 3. Repealing Clause.** – All laws, acts, presidential decrees, executive orders, issuances, presidential proclamations, rules and regulations or parts thereof which are contrary to and inconsistent with an provision of this Act are hereby repealed, amended, or modified accordingly.

**SEC. 4. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,