SUSPENSION OF THE EFFECTIVITY OF CERTAIN PROVISIONS OF RESOLUTION NO. 05 ADOPTED AND PROMULGATED ON SEPTEMBER 25, 1998 BY THE BOARD OF GEODETIC ENGINEERING

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WHEREAS, Section 27, Article VI of RA 8560, known as the "Philippine Geodetic Engineering Act of 1998" empowers the Board of Geodetic Engineering to adopt and promulgate rules and regulations to carry out the provisions of said Act subject to the approval of the Professional Regulation Commission.

WHEREAS, in the exercise of said power, the Board of Geodetic Engineering adopted and promulgated Resolution No. 05, series of 1998 entitled "Rules and Regulations Implementing Republic Act No. 8560" which took effect on December 3, 1998.

WHEREAS, there are provisions in RA No. 8560 particularly the last paragraph of No. (5) of sub-paragraph (a), Section 2, Article II and the last sentence of the 1st paragraph of Section 24, Article V of said Act which exempts the survey plans/returns of subdivided, consolidated and/ or consolidated-subdivision of titled properties submitted by practicing Geodetic Engineers to government agencies from verification and approval and which prohibits other person or government entity from going over the work of the Geodetic Engineer, respectively.

WHEREAS, the above-cited provisions are incorporated in the Rules and Regulations adopted and promulgated by the Board and approved by the Professional

Regulation Commission for implementation and are found in No. (5) Sub-paragraph (19) of Section 3, Article Hand Sub-paragraph (e) of Section 42, Article X of the Rules and Regulations Implementing RA No. 8560.

WHEREAS, by virtue of the effectivity of Resolution No. 5, s- 1998 of the Board of Geodetic Engineering, practicing Geodetic Engineers have complained that officials and employees of the Land Management Bureau (LMB) of the Department of Environment and Natural Resources (DENR) and the Land Registration Authority (LRA) have refused to accept survey plans/returns on titled properties prepared by practicing Geodetic Engineers for submission to the said offices thereby affecting adversely the practice of said Geodetic Engineers as a source of their livelihood.

WHEREAS, cognizant of their problem, the Secretary of the DENR agreed to enter into a Memorandum of Agreement with the Geodetic Engineers of the Philippines, Inc. (GEP) thru its President, providing for the status quo before the issuance by the Board of Geodetic Engineering of said Resolution No. 5, s. 1998 in accordance with which the DENR thru its Land Management Bureau (LMB) Regional Technical Directors in all the DENR Regional Offices shall continue to accept survey plans/returns covering titled properties submitted by practicing Geodetic Engineers.

WHEREAS, it has been observed by the officials of the Land Management Bureau of the DENR and the Land Registration Authority that the provisions of No. (5), Sub-paragraph (a), Section 2, Article II and the last sentence of the 1st paragraph of Section 24, Article V of Republic Act No. 8560 as implemented, respectively, by No. (5), Sub-paragraph (19) of Section 3, Article II and Sub-paragraph (e) of Section 42, Article X of the Rules and

Regulations Implementing RA No. 8560 are in conflict with the provisions of Sections 44 and 53 of Act No. 496 known as the Land Registration Act, Section 4 of P.D. No. 957, known as the Subdivision and Condominium Buyer's Protection Decree; and Section 50 of P.D. No. 1529 known as the Property Registration Decree.

WHEREAS, in a Resolution {No. 002) adopted on December 9, 1998 the Geodetic Engineers of the Philippines, Ina (GEP) requested the Board of Geodetic Engineering to suspend the effectivity of the above-cited provisions of the Rules and Regulations implementing Republic Act No. 8560 and to observe the status quo before the adoption and promulgation of said Rules and Regulations, pending clarification/resolution of the queries posed in the letter dated December 14, 1998 of the National President of the GEP to the Honorable Administrator of the LRA.

WHEREFORE, the Board resolved as it hereby resolves to suspend the effectivity of the last part of No. (5), Sub-paragraph (19) of Section 3, Article II and Sub-paragraph (e) of Section 42, Article X of the Rules and Regulations Implementing Republic Act No. 8560 which respectively provide insofar as pertinent:

> "Sec. 3. Definition of Terms. - xxx
>
> xxx xxx xxx
>
> "19. Practice of Geodetic Engineering. - xxx
>
> xxx xxx xxx
>
> "(5) xxx hereafter such plans on surveyed title properties submitted by geodetic engineers shall not be subject to verification and approval." (underscoring supplied)
>
> "Sec. 43. Prohibitions.-xxx
>
> xxx xxx xxx
>
> "(e) No other person or government entity should go over the work of the Geodetic Engineer unless found grossly defective in connection with other works for which an investigation committee shall thereby be created and commissioned by the Professional Regulation Commission." (underscoring supplied)

The leadership of the GEP, Inc. headed by its national president is advised to request the Administrator of the Land Registration Authority to adopt the queries posed in the former's letter dated December 14, 1998 to the latter and to elevate the said queries to the Honorable Secretary of Justice for legal opinion to resolve the problems generated by the aforecited provisions of R.A. 8560.

This resolution shall take effect after fifteen (15) days following its publication in the Official Gazette or in a newspaper of general circulation whichever is earlier.

Let copies of this Resolution be furnished the National President, GEP, Inc., the Director, Land Management Bureau, DENR and the Administrator, Land Registration Authority.

Adopted: 20 Jan. 1999

(SGD.) HERMINIO S. PADA
Chairman

(SGD.) JULIUS U. CALINA
(SGD.) VICTOR J. ANCHETA
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