NATIONAL ADMINISTRATIVE REGISTER · MARCH 23, 2007

RULES IMPLEMENTING THE PROVISIONS OF SECTION 24, ARTICLE V OF REPUBLIC ACT (R.A.) NO. 544, KNOWN AS THE "CIVIL ENGINEERING LAW", PROVIDING FOR THE REGISTRATION OF FIRMS, PARTNER...

PRC BOARD OF CIVIL ENGINEERING BOARD RESOLUTION NO. 07, S. 2007, March 23, 2007

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WHEREAS, Sec. 24, Art. V of R.A. No. 544 reads, to wit:

> "Section 24. - The practice of civil engineering is a professional service, admission to which must be determined upon individual, personal qualifications. Hence, no firm, partnership, corporation or association may be registered or licensed as such for the practice of civil engineering: Provided, however, That persons properly registered and licensed as civil engineers may, among themselves or with a person or persons properly registered and licensed as architects, form and obtain registration of, a firm, partnership or association using the term 'Engineers' or 'Engineers and Architects', but nobody shall be a member or partner of such firm, partnership or association unless he is a duly licensed civil engineer or architect, and the members who are civil engineers shall only render work and services proper for a civil engineer, as defined in this Act, and the members who are architects, shall also render work and services proper for an architects, as defined in the law regulating the practice of architecture; individual members of such firms, partnership or association shall be responsible for their own respective acts." (Underscoring supplied);

WHEREAS, the aforequoted provisions requires the registration of such firm, partnership or association with the Board of Civil Engineering (the "Board");

WHEREAS, Sec. 4, Art. II of R.A. No. 544 empowers the Board with the approval of the Professional Regulation Commission (the Commission) pursuant to Sec. 7 (c) of R.A. No. 8981, cited as the "PRC Modernization Act of 2000", to issue such rules and regulations as may be deemed necessary to carry out the provisions of the former;

WHEREAS, the registration and monitoring of the foregoing firm, partnership or association by the Board and the Commission under Sec. 4, Art. II of R.A. No. 544 and Sec. 9 (b) of R.A. 8981 will enable them to identify and impose corresponding administrative sanctions and to institute criminal actions against them before the courts for engaging in the practice of civil engineering without lawful authorization in violation of the law or the rules and regulations or the Code of Ethics for civil engineering; and

WHEREAS, there is a need to protect the public against fraud, deception, unethical and unprofessional practices and/or from the consequences of ignorance, negligence, incompetence, and incapacity in the practice of civil engineering;

NOW, THEREFORE, the Board RESOLVES, as it is hereby resolved, to prescribe, promulgate, and issue the rules implementing Sec. 24, Art. V of R.A. No. 544, providing for the registration of firms, partnerships, and associations formed by persons properly registered and licensed as civil engineers, among themselves or with a person or persons properly registered and licensed as architects, for the practice of civil engineering in the Philippines, and prescribing penalties for violations hereof.

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RULE I: DEFINITION OF TERMS

SECTION 1. Definition of Terms -

(a) “Practice of civil engineering” means the practice or offer to practice of “service” in the form of consultation, design, preparation of plans, specifications, estimates, erection, installation and supervision of the construction of streets, bridges, highways, railroads, airports and hangars, portworks, canals, river and shore improvements, lighthouses, and dry docks; buildings, fixed structures for irrigation, flood protection, drainage, water supply and sewerage works; demolition of permanent structures; tunnels, and any other work requiring civil engineering knowledge and application.” (Sec. 2 (a), Art. I of R.A. No. 544);

(b) “Board” means the Board of Civil Engineering under the administrative control and supervision of the Commission pursuant to Sec. 7 (o) of R.A. No. 8981;

(c) “Commission” means the Professional Regulation Commission;

(d) “Firm” means an organization engaged in the practice of civil engineering, consisting of a Sole Practitioner and one or more employees, registered as such with the Board;

(e) “Partnership” means a professional partnership engaged in the practice of civil engineering, registered as such with the Securities and Exchange Commission (SEC) and Board;

(f) “Association” means a professional association governed by the provisions on co-ownership under the New Civil Code in the practice of civil engineering registered with the Board;

(g) “Sole Practitioner” means the person identified as such in the registration of the Firm with the Board;

(h) “Partners” means the persons identified as such in the registration of the Partnership with the SEC and the Board;

(i) “Members” means the persons identified as such in the registration of the Association governed by the provisions on co-ownership under the New Civil Code with the Board;

(j) “Registered Civil Engineer” means a person who holds a valid certificate of registration and a valid professional identification card issued by the Board and the Commission;

(k) “Civil Engineer on Record” means the person who is designated by the Firm, Partnership or Association to be professionally responsible for the Output of Professional Civil Engineering Services;

(l) “Certificate of Registration” means a statement in writing and under seal, issued by the Commission pursuant to a Resolution promulgated by the Board subject to approval by the Commission, attesting that a firm, partnership or association of persons properly registered and licensed as civil engineers, among themselves or with a person or persons properly registered and licensed as architects, is duly registered to practice civil engineering or architecture in the Philippines.

(m) “Output of Professional Civil Engineering Services” means designs, plans, drawings, documents, professional opinions, investigations, evaluations, reports, estimates, charts, photographs, etc., whether in hard copy or electronic format, representing the results of professional services involving the practice of civil engineering.

RULE II: REGISTRATION

SECTION 2. Registration of Firms, Partnerships, and Associations Already in the Practice of Civil Engineering upon Effectivity of the Resolution - Within six (6) months from the effectivity of the Resolution, Firms,

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Partnerships and Associations already engaged in the practice of civil engineering shall register with the Board and Commission in the manner provided for in Section 4 and 8 hereof upon issuance of a Board Resolution subject to approval by the Commission, granting the said registration.

SECTION 3. Registration of Firms, Partnerships, and Associations After Effectivity of the Resolution - Firms, Partnerships and Associations organized after the effectivity of the Resolution shall register with the Board and the Commission in the manner provided for in Sections 4 to 8 hereof, and shall not commence the practice of civil engineering until a valid Certificate of Registration shall have been issued in accordance with Sections 10 and 11 hereof and upon issuance of Board Resolution subject to the approval of the Commission, granting the said registration.

SECTION 4. Application for Registration - The application for registration shall be accomplished in the form and number of copies prescribed by the Board, and duly signed by the Sole Practitioner in the case of a Firm, Managing Partner in the case of a Partnership, and President in the case of an Association. The application for registration shall contain such information as may be required by the Board including, but not limited to, the following matters:

(a) Name of Firm, Partnership, or Association;

(b) Full name(s) and number(s) and date(s) of issue of certificate of registration and Professional Identification card as civil engineers or architects of the following:

(1) Sole Practitioner in the case of a Firm;

(2) All the Partners in the case of a Partnership, identifying the Managing Partner;

(3) All the Members in the case of an Association, identifying the President and other officers.

(c) Certificate of registration with the Securities Exchange Commission in the case of a Partnership;

(d) Complete address of principal office and branches or sub-offices, if any;

SECTION 5. Number of Registered and Licensed Civil Engineer and/or Architect in the Firm, Partnership, and Association - In the case of Firm, the Sole Practitioner must be a registered and licensed civil engineer.

In the case of a Partnership, all of the Partners must be either registered and licensed civil engineers or architects. At least two of the Partners must be registered and licensed civil engineers.

In the case of an Association, all of the Members must be either registered and licensed civil engineers or architects. At least two of the Members must be registered and licensed civil engineers.

SECTION 6. Practice of Foreigner - A foreigner issued with a temporary special permit to practice civil engineering in the Philippines is not qualified to be Sole Practitioner, Partner or Member of a Firm, Partnership or Association, as applicable. However, a foreigner who qualifies to practice civil engineering in the Philippines under the foreign reciprocity provision of Sec. 25, Art. V of R.A. No. 544, or pursuant to a treaty with a member/economy in the WTO, APEC, ASEAN, EU or any international organization, is qualified to be Sole Practitioner, Partner or Member of a Firm, Partnership or Association, as applicable.

SECTION 7. Change of Information and Renewal of Registration - Any change with respect to the matter enumerated in Secs. 4 to 7 thereof shall be reported in writing to the Board, copy furnished the Commission, within sixty (60) days from such change. Renewal of registration shall indicate changes that have taken place since the last registration.

SECTION 8. Approval or Denial of Application - The Board shall duly authenticate all applications for registration received in proper form, and after having passed upon such applications shall, not later than (30) days after the application is filed, recommend approval or denial of the application to the Commission.

SECTION 9. Issuance of Certificate of Registration and Revocation thereof - The Commission upon issuance by the Board of a Resolution subject to approval by the Commission granting the application, shall issue to the applicant the corresponding Certificate of Registration to practice civil engineering in the Philippines. Unless sooner revoked said Certificate of Registration shall be valid for three (3) years and shall be renewable every three (3) years thereafter, upon payment of fees in accordance with Sections 17 to 19 hereof.

SECTION 10. Reinstatement of Unrenewed , Withdrawn, or Revoked Certificate of Registration - A Firm, Partnership or Association that failed to renew its Certificate of Registration or has voluntarily withdrawn its registration or whose certificate has been revoked, may in writing, apply for reinstatement. Its application shall be evaluated and processed in the same way as an initial application.

RULE III. PROFESSIONAL RESPONSIBILITY

SECTION 11. Responsibility of the Civil Engineer in a Sole Proprietorship - In the case of a Firm, the Sole Practitioner shall be responsible for all the Output of Professional Civil Engineering Services officially transmitted or submitted by duly authorized personnel of the Firm, whether or not such Output is signed and sealed by him. In this case, the Sole Practitioner shall be the Civil Engineer on Record.

SECTION 12. Responsibility of the Partners in a Partnership - In the case of a Partnership, the Partner designated by the Partnership as Civil Engineer on Record for a particular project, who must be a registered and licensed civil engineer, shall be responsible for the Output of Professional Civil Engineering Services for that project officially transmitted or submitted by duly authorized personnel of the Partnership, whether or not such Output is signed and sealed by him. In this case, the designated Partner shall be the Civil Engineer on Record. In case the Partnership does not designate a specific Partner, all of the Partners of the Partnership who are registered and licensed civil engineers are jointly and severally responsible.

SECTION 13. Responsibility of the member/s in an Association - In the case of an Association, the Member designated by the Association as Civil Engineer on Record for a particular project, who must be a registered and licensed civil engineer, shall be responsible for the Output of Professional Civil Engineering Services for that project officially transmitted or submitted by duly authorized personnel of the Association, whether or not such Outputs are signed and sealed by him. In case the Association does not designate a specific member, all of the Members of the Association who are registered and licensed civil engineers are jointly and severally responsible.

RULE IV: DISSOLUTION OF FIRM, PARTNERSHIP OR ASSOCIATION

SECTION 14. Report on Dissolution and Penalties - The dissolution of a Firm, Partnership, or Association shall be reported to the Board by the Sole Practitioner, Managing Partner or President, as applicable, not later than thirty (30) days from the date of such dissolution. The report shall be made in the form of an affidavit, or by furnishing the Board with a certified copy of dissolution papers filed with the SEC in the case of Partnership. Failure to notify the Board of such dissolution shall subject the Sole Practitioner in the case of a Firm, all the Partners in the case of a Partnership, and all the Members in the case of an Association, to the penalties provided herein.

RULE V: FEES

SECTION 15. Fees for Application for Initial Registration, Renewal and Reinstatement and Revision Thereof - Application for initial registration shall be accompanied by a fee of P5,000; for renewal, P3,000; for

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reinstatement, P5,000.

The Board, subject to the approval of the Commission, may revise the above fees from time to time.

RULE VI: PENALTIES

SECTION 16. Revocation or Suspension of Certificate of Registration for Violations of Acts - After due investigation in accordance with the rules on administrative investigation, the Board may revoke or suspend the Certificate of Registration of a Firm, Partnership or Association for violation of any provision of this Resolution which shall include, but not limited to, the following acts of a Firm and/or its Sole Practitioner, a Partnership and/or its Partner/s or an Asociation and/or its Member/s:

(a) Engaging in the practice of civil engineering without first registering with the Board and the Commission pursuant to this Resolution;

(b) Continuing to engage in the practice of civil engineering after the expiration, suspension, revocation or withdrawal of the Certificate of Registration;

(c) Giving any false information, data, statistics, reports, or other statements which tends to mislead, obstruct, secure or affect the registration of a Firm, Partnership or Association under this Resolution;

(d) Giving any misrepresentation on securing validly and factually said registration.

The decision of the Board may be appealed by the respondent to the Commission within fifteen (15) days from receipt thereof.

After two (2) years from the date of its surrender to the Board, a revoked certificate may be reinstated by the Board subject to approval by the Commission.

SECTION 17. Penal Provisions for Violation of Sec. 24, Art. V of R.A. No. 544 and Any other Provision Thereof - Any person who violates Sec. 24, Art. V of R.A. No. 544 or any other provisions thereof shall be guilty of misdemeanor and shall, upon conviction be sentenced to a fine of not less than five hundred pesos nor more than two thousand pesos, or to suffer imprisonment for a period of not less than six months but not more than one year, or both, in the discretion of the court as provided for in Sec. 22, Art. IV of R.A. No. 544.

RULE VII: SEPARABILITY AND EFFECTIVITY

SECTION 18. Separability Clause - Should any provision of this Resolution, be declared unconstitutional or invalid by a competent court, the other provisions, so far as they are separable, shall remain in force effect.

SECTION 19. Effectivity - This Resolution shall take effect after fifteen (15) days following its full and complete publication in the Official Gazette or any newspaper of general circulation in the Philippines.

Adopted: 23 March 2007

(SGD.) ANGEL L. LAZARO III
Chairman

(SGD.) ROBERTO P. BERNARDO
Member

ATTESTED:

(SGD.) CARLOS G. ALMELOR
Secretary, Professional Regulatory Boards

APPROVED:

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(SGD.) LEONOR TRIPON-ROSERO
Chairperson

(SGD.) RENATO B. VALDECANTOS
Commissioner

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