

RULES AND REGULATIONS IMPLEMENTING THE ASEAN MUTUAL RECOGNITION ARRANGEMENT ON ENGINEERING SERVICES – PROFESSIONAL AGRICULTURAL ENGINEERING SERVICES

PRC BOARD OF AGRICULTURAL ENGINEERING RESOLUTION NO. 03, S. OF 2007, August 31, 2007

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WHEREAS, the Governments of Brunei Darrusalam, the Kingdom of Cambodia, the Republic of Indonesia, Lao People's Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand, and the Socialist Republic of Viet Nam, Member Countries of the Association of South East Asian Nations (hereinafter collectively referred to as "ASEAN" or "ASEAN Member Countries" or singularly as "ASEAN Member Country") have entered last December 9, 2005 an ASEAN Mutual Recognition Arrangement on Engineering Services, which covers professional agricultural engineering services;

WHEREAS, the practice of agricultural engineering is a well recognized and established profession in the Philippines by virtue of Republic Act No. 8559, otherwise known as the "Philippine Agricultural Engineering Act of 1998";

WHEREAS, item 4.1.6 of the ASEAN Mutual Recognition Arrangement on Engineering Services provides the responsibilities of the Professional Regulatory Authority of the ASEAN Member Countries, and one of which is to prepare rules and regulations to enable the implementation of the said Arrangement;

WHEREAS, the Board of Agricultural Engineering and the Professional Regulation Commission referred to as Professional Regulatory Authority in Appendix I of the ASEAN Mutual Recognition Arrangement on Engineering Services are responsible in the regulation of the practice of agricultural engineering in the Philippines pursuant to R.A. No. 8559 (Philippine Agricultural Engineering Act of 1998) and R.A. No. 8981 (PRC Modernization Act of 2000);

NOW, THEREFORE, in view of the foregoing premises, the following rules and regulation are hereby promulgated to effectively implement the ASEAN Mutual Recognition Arrangement on Engineering Services, particularly on the professional agricultural engineering services:

ARTICLE 1

Title and Objectives

SECTION 1. Title. This Resolution shall be known and cited as the "Rules and Regulations Implementing the ASEAN Mutual Recognition Arrangement on Engineering Services - Professional Agricultural Engineering Services".

SECTION 2. Objectives. This Rules and Regulations is formulated and adopted to prescribe the procedures in carrying out the implementation of the ASEAN Mutual Recognition Arrangement on Engineering Services particularly on Professional Agricultural Engineering Services and:

1.1 To facilitate mobility of agricultural engineering services professionals; and

1.2 To exchange information in order to promote adoption of best practices on standards and qualifications.

ARTICLE 2

Definitions

SECTION 3. Definitions. In this Rules and Regulations, unless the context otherwise requires:

- a. Accreditation refers to quality assurance of graduate agricultural engineers by the Board of Agricultural Engineering or its equivalent national bodies in other ASEAN countries
- b. Assessment or Evaluation refers to particular processes for reporting or comparison of achievement against criteria, standards, or a benchmark.
- c. Benchmark refers to an agreed level by which others can be measured.
- d. Certification refers to the issuance of a certificate or license to those who have met specified requirements for registration.
- e. Country of Origin refers to the Philippines.
- f. Criteria or Standards refers to a specification of qualities required to be met.
- g. Agricultural Engineering Services refers to the activities constituting the practice of agricultural engineering under Republic Act No. 8559, known as the Philippine Agricultural Engineering Act of 1998, and covers the following:
 - (1) Consultation, valuation, investigation and management services on agricultural engineering;
 - (2) Management or supervision and the preparation of engineering designs, plans, specifications, project studies and estimates for agricultural, aquaculture and fishery, and forest product machinery, agricultural buildings and structures, farm electrification and energy systems, agricultural processing equipment, irrigation and soils conservation systems and facilities, agricultural waste utilization systems and facilities;
 - (3) Conducting research and development, training and extension work, and consultancy services on agricultural engineering facilities/services, system and technologies;
 - (4) Testing, evaluation and inspection of agricultural, fishery and forest product machinery and other related agricultural engineering facilities and equipment;
 - (5) Management, manufacturing and/or marketing of agricultural machinery and other related agricultural engineering facilities and equipment;
 - (6) Teaching, agricultural engineering subjects in institution of learning in the Philippines; and
 - (7) Employment with the government provided such item or position requires the knowledge and expertise of an agricultural engineer.
- h. Graduate Agricultural Engineer refers to a natural person and a Filipino Citizen and has satisfactorily completed a higher education in agricultural engineering program in an institution recognized by the Commission on Higher Education.
- i. Host Country refers to the Philippines where the ASEAN Chartered Professional Agricultural Engineer (ACPAE) applies to work, not in independent practice, but in collaboration with the local Professional Agricultural Engineer, where appropriate, to practice Agricultural Engineering.
- j. Professional Agricultural Engineer (also known as Practitioner) refers to a natural person, a Filipino Citizen and is assessed by the Board of Agricultural Engineering as being technically, morally, and legally qualified to

undertake independent professional agricultural engineering practice and is registered and licensed for such practice by the Board of Agricultural Engineering.

k. Professional Regulatory Authority (PRA) refers to the Board of Agricultural Engineering and the Professional Regulation Commission or its equivalent bodies in other ASEAN countries.

l. Recognition refers to acceptance by an authority of demonstration of compliance with requirements.

m. Registered Foreign Professional Engineer (RFPE) refers to an ASEAN Chartered Professional Engineer (ACPE) who has successfully applied to and is authorized by the Board of Agricultural Engineering to work, not in independent practice, but in collaboration with one or more Agricultural Engineers of the Philippines.

n. Registration refers to the process of placing on a Register those who meet specified requirements within a jurisdiction.

o. Words in the singular include the plural

ARTICLE 3

Recognition, Qualifications, and Eligibility

SECTION 4. Qualifications to Become an ASEAN Chartered Professional Agricultural Engineer (ACPAE) - A Professional Agricultural Engineer who possesses the following qualifications can qualify to become an ASEAN Chartered Professional Agricultural Engineer:

a. completed an accredited agricultural engineering degree in an institution recognized by the Commission on Higher Education;

b. possess a current and valid professional registration or licensing certificate to practice agricultural engineering in the Philippines issued either by the Board of Agricultural Engineering and the Professional Regulation Commission in accordance with existing policy on registration/licensing/certification of the practice of agricultural engineering or the Monitoring Committee pursuant to Article 4.2.2 and item 1.2 of Appendix II[*] of the ASEAN Mutual Recognition Arrangement on Engineering Services;

c. acquired practical and diversified experience of not less than seven (7) years after graduation, at least two (2) years of which shall be in responsible charge of significant agricultural engineering work as stipulated in Appendix III[*], D Example IV;

d. in compliance with Continuing Professional Development (CPD) policy of the Country of Origin at a satisfactory level; and

e. obtained certification from the Board of Agricultural Engineering and the Professional Regulation Commission with no record of serious violation on technical, professional or ethical standards, local and international, for the practice of agricultural engineering is eligible to apply to the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) to be registered as an ASEAN Chartered Professional Agricultural Engineer (ACPAE) under the ASEAN Chartered Professional Agricultural Engineers Register (ACPAER).

SECTION 5. ASEAN Chartered Professional Agricultural Engineer (ACPAE) - A Professional Agricultural Engineer who possesses the above qualifications and complies with the Guidelines on Criteria and Procedures as per Appendix I[*] and satisfies the Assessment Statement as per Appendix II, may, upon acceptance and payment of fees, be emplaced on the ASEAN Chartered Professional Agricultural Engineers Register (ACPAER) and accorded the title of ASEAN Chartered Professional Agricultural Engineer (ACPE).

SECTION 6. Eligibility of an ASEAN Chartered Professional Agricultural Engineer (ACPAE) in Other ASEAN

Countries to Practice in the Philippines.

a. An ASEAN Chartered Professional Agricultural Engineer (ACPAE) in other ASEAN Countries shall be eligible to apply to the Board of Agricultural Engineering and the Professional Regulations Commission to be registered as a Registered Foreign Professional Agricultural Engineer (RFPAE). The applicant shall submit with his application a sworn undertaking to:

(1) be bound by local and international codes of professional conduct in accordance with the policy on ethics and conduct established and enforced by the Philippines;

(2) be bound by prevailing laws and regulations of the Philippines; and

(3) work in collaboration with local Professional Agricultural Engineers in the Philippines subject to its domestic laws and regulations governing the practice of agricultural engineering thereto.

b. Upon approval, the successful ASEAN Chartered Professional Agricultural Engineer (ACPAE) applicant in other ASEAN countries shall, subject to Philippine laws and regulations and where applicable, not making submissions to statutory authorities of the Philippines, be permitted to work as a Registered Foreign Professional Agricultural Engineer (RFPAE), not in independent practice, but in collaboration with designated Professional Agricultural Engineers in the Philippines, within such area of his own competency as may be recognized and approved by the Board of Agricultural Engineering.

ARTICLE 4

Professional Regulatory Authority, Monitoring Committee and ASEAN Chartered Professional Engineer Coordinating Committee

SECTION 7. Professional Regulatory Authority (PRA). The Board of Agricultural Engineering and the Professional Regulation Commission, referred to as the Professional Regulatory Authority shall be responsible for the following:

a. Consider applications from and authorize the ASEAN Chartered Professional Agricultural Engineers (ACPAs) to work as Registered Foreign Professional Agricultural Engineers (RFPAs), not in independent practice, but in collaboration with designated local Professional Agricultural Engineers in the Philippines subject to the domestic laws and regulations and where applicable, not making submissions to statutory authorities of the Philippines as provided for by the ASEAN Mutual Recognition Arrangement on Engineering Services;

b. Monitor and assess the professional practice of the Registered Foreign Professional Agricultural Engineers (RFPAs) and to ensure compliance with this Rules and Regulations;

c. Report to relevant local and international bodies developments in the implementation of the ASEAN Mutual Recognition Arrangement on Engineering Services;

d. Maintain high standards of professional and ethical practice in agricultural engineering;

e. Notify the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) Secretariat promptly in writing when a Registered Foreign Professional Agricultural Engineer (RFPAE) has contravened the ASEAN Mutual Recognition Arrangement on Engineering Services, or when a Professional Agricultural Engineer who is also an ASEAN Chartered Professional Agricultural Engineer (ACPAE) is no longer qualified to undertake independent professional agricultural engineering practice in the Philippines, has not complied with Continuing Professional Development (CPD) policy of the Philippines at a satisfactory level, or has seriously violated technical, professional or ethical standards either in the Philippines whereby such violations have led to deregistration or suspension from practice;

g. Exchange information regarding laws, practices and prevailing developments in the practice of agricultural engineering within the region with the view to harmonization in accordance with regional and/or international standards.

SECTION 8. Monitoring Committee

a. Monitoring Committee (MC) shall be established to develop, process and maintain an ASEAN Chartered Professional Agricultural Engineers Register (ACPAER) in the Philippines;

b. The Monitoring Committee shall be composed of the Board of Agricultural Engineering as Chairman, and its members are the duly designated representative/s of the Philippine Society of Agricultural Engineers and the Commission on Higher Education;

c. The Monitoring Committee (MC) shall be recognized as competent by, and may exercise some functions on behalf of, the authorities responsible for the registration and licensing of professional agricultural engineers in the country.

d. The Monitoring Committee (MC) shall also be recognized as an authorized body and shall be able to certify the qualification and experience of individual professional engineers directly or by reference to other competent bodies.

e. The specific responsibilities of the Monitoring Committee (MC) for the development and maintenance of the ASEAN Chartered Professional Engineers Register (ACPER) are given in the ensuing Articles 4.2.5 and 4.2.6 below and in Appendices I, II and III;

f. The Monitoring Committee (MC), for the sake of seeking authorization to initiate a Register for the purpose of the ASEAN Chartered Professional Agricultural Engineers Register (ACPAER) shall prepare a statement setting out the criteria and procedures for assessing compliance with the qualifications set out at Section 4 for Professional Agricultural Engineer applicants. The statement shall be reviewed by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC). Guidelines on criteria and procedures and examples are set out in Appendices I, II and III.

g. The Monitoring Committee (MC) shall further undertake to:

- Ensure that all practitioners registered as ASEAN Chartered Professional Agricultural Engineers (ACPAEs) by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) Secretariat comply fully with the requirements specified in this Rules and Regulations, and that a substantial majority of these practitioners have demonstrated their compliance through the primary procedures and criteria as shown in Appendices I, II and III;

- Ensure that practitioners applying for registration as ASEAN Chartered Professional Agricultural Engineers (ACPAEs) are required to provide evidence that they have complied with the Continuing Professional Development (CPD) of the Philippines at a satisfactory level;

- Ensure that practitioners registered by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) Secretariat as ASEAN Chartered Professional Agricultural Engineers (ACPAEs) apply from time to time for renewal of their registration, and in so doing, provide evidence that they have complied with the Continuing Professional Development policy of the Philippines at a satisfactory level;

- Ensure the implementation and execution of the changes agreed under Article 6.3 as directed by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPEC); and

- Where Section 7(e) is applicable, withdraw and deregister the said ASEAN Chartered Professional Agricultural

Engineer (ACPAE) from the ASEAN Chartered Professional Agricultural Engineers Register (ACPAER).

SECTION 9. The ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC)

a. The ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) established under the ASEAN Mutual Recognition Arrangement on Engineering Services shall have the authority to confer and withdraw the title of ASEAN Chartered Professional Agricultural Engineer (ACPAE). This authority may be delegated in writing from time to time by the ASEAN Chartered Professional Engineer Coordinating Committee (ACPECC) to the Monitoring Committee of the Philippines.

b. To assist the ASEAN Chartered Professional Engineer Coordinating Committee on its functions particularly on professional agricultural engineering services, an ASEAN Chartered Professional Agricultural Engineer Sub-Coordinating Committee (ACPAESC) shall be organized. Members of the ASEAN Chartered Professional Agricultural Engineer Sub-Coordinating Committee (ACPAESC) shall comprise of one appointed representative from each Monitoring Committee (MC) of the participating ASEAN Member Countries;

c. The functions of the ASEAN Chartered Professional Agricultural Engineer Sub-Coordinating Committee (ACPESC) shall include:

1. Facilitating the development and maintenance of authoritative and reliable Registers of ASEAN Chartered Professional Agricultural Engineers (ACPAER);

2. Promoting the acceptance of ASEAN Chartered Professional Agricultural Engineers (ACPAEs) in each participating ASEAN Member Country as possessing general technical and professional competence that is substantially equivalent to that of professional agricultural engineers registered or licensed in the Country of Origin;

3. Developing, monitoring, maintaining and promoting mutually acceptable standards and criteria for facilitating practice by ASEAN Chartered Professional Agricultural Engineers (ACPAEs) throughout the participating ASEAN Member Country;

4. Seeking to gain a greater understanding of existing barriers to such practice and to develop and promote strategies to help governments and licensing authorities reduce those barriers and manage their processes in an effective and non-discriminatory manner;

5. Through the mechanisms available within ASEAN, encouraging the relevant governments and licensing authorities to adopt and implement streamlined procedures for granting rights to practice to ASEAN Chartered Professional Agricultural Engineers (ACPAEs);

6. Identifying and encouraging the implementation of best practice for the preparation and assessment of agricultural engineers intending to practice at the professional level; and

7. Continuing mutual monitoring and information exchange by whatever means that are considered most appropriate, including but not limited to:

- 7.1 regular communication and sharing of information concerning assessment procedures, criteria, systems, manuals, publications and lists of recognized practitioners;

- 7.2 informing all Professional Regulatory Authorities (PRAs) when it has been notified that an ASEAN Chartered Professional Agricultural Engineer (ACPE) is no longer qualified to undertake independent professional engineering practice in the Country of Origin, has not complied with the Continuing Professional Development (CPD) policy of the Country of Origin at a satisfactory level, or has seriously violated technical, professional or ethical standards either in the Country of Origin or the Host Country, whereby such violations have led to deregistration or suspension from practice or withdrawal from the ASEAN Chartered Professional

Agricultural Engineers Register (ACPAER);

7.3 verifying the operation of the procedures of participating ASEAN Member Countries; and

7.4 observing the open meetings of any Professional Regulatory Authorities (PRAs) and/or commissions responsible for implementing key aspects of these procedures and relevant open meetings of the governing bodies of the participating ASEAN Member Countries.

d. The ASEAN Chartered Professional Agricultural Engineer Sub-Coordinating Committee (ACPAESC) may, whenever it deems appropriate, invite the non-participating ASEAN Member Countries to attend as observers to its meetings.

e. The ASEAN Chartered Professional Agricultural Engineer Sub-Coordinating Committee (ACPESC) shall report its progress of work to ASEAN Chartered Professional Agricultural Engineer Coordinating Committee and to the ASEAN Coordinating Committee on Services (CCS).

f. The administration of the ASEAN Chartered Professional Agricultural Engineer Sub-Coordinating Committee (ACPESC) shall be facilitated by a Secretariat.

g. General Meetings of the ASEAN Chartered Professional Agricultural Engineer Coordinating Committee (ACPESC) shall be held at least once in each two year period to deal with applications by Monitoring Committees seeking authorization to initiate Registers and/or authorization to review the Guidelines on Criteria and Procedures (Appendix I), Assessment Statement (Appendix II), Appendix III and other related guidelines, procedures and documentation, and recommend any amendments to all the Professional Regulatory Authorities (PRAs).

ARTICLE 5

Mutual Exemption

SECTION 10. Recognition of Arrangement - The Philippines recognizes that any arrangement, which would confer exemption from further assessment by the Professional Regulatory Authority (PRA) that control the right to practice in each country, could be concluded only with the involvement and consent of the Professional Regulatory Authority (PRA) and the relevant government agencies;

SECTION 11. Supplemental Assessment - The Philippines note that licensing or registering authorities have statutory responsibility for protecting the health, safety, environment, and welfare of the community within their jurisdictions, and may require Professional Agricultural Engineers seeking the right to independent practice to submit themselves to some form of supplemental assessment;

SECTION 12. Objectives of the Supplemental Assessment. The Philippines consider that the objectives of such assessment should be to provide the relevant authorities with a sufficient degree of confidence that the Professional Agricultural Engineers concerned:

- understand the general principles behind applicable codes of practice and laws;
- have demonstrated a capacity to apply such principles safely and efficiently; and
- are familiar with other special requirements operating within the Philippines.

ARTICLE 7

Dispute Settlement

SECTION 13. The provisions of the ASEAN Protocol on Enhanced Dispute Settlement Mechanism, done at

Vientiane, Lao PDR on the 29 November 2004, shall apply to disputes concerning the interpretation, implementation, and/or application of any of the provisions under the ASEAN Mutual Recognition Arrangement on Engineering Services and this Rules and Regulations.

ARTICLE 8

FINAL PROVISIONS

SECTION 14. Applicability - the terms and definitions and other provisions of the GATS and AFAS shall be referred to and shall apply to matters arising under this Rules and Regulations for which no specific provision has been made herein.

SECTION 15. Effectivity - This Rules and Regulations shall take effect after (30) days following the completion of the publication in the Official Gazette or newspaper of general circulation in the Philippines.

SECTION 16. Submission of Copy - A Copy of the Resolution shall be submitted to the ASEAN Secretary-General who shall promptly furnish a certified copy thereof to each ASEAN Member Country for their information.

Adopted: 31 Aug. 2007

(SGD.) GEORGE Q. CANAPI
Chairman

(SGD.) ARIODEAR C. RICO
Member

(SGD.) DOMINGO F. TABBAL
Member

ATTESTED BY:

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

APPROVED:

(SGD.) LEONOR TRIPON-ROSERO
Chairperson

(SGD.) RUTH RAÑA PADILLA
Commissioner

(SGD.) NILO L. ROSAS
Commissioner

[*]Text Available at Office of the National Administrative Register, U.P. Law Complex, Diliman, Quezon City.

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