

AN ACT TO REGULATE THE PRACTICE OF AIR CONDITIONING AND REFRIGERATION ENGINEERING IN THE PHILIPPINES.

REPUBLIC ACT NO. 4110, June 20, 1964

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

ARTICLE I.— Organization of the Board

SECTION 1. Title of Act—This act shall be known as Air Conditioning and Refrigeration Engineering

SEC. 2. Creation and Composition of the Board- With thirty days after the approval of this Act, there shall be created a Board of Examiners for Air Conditioning and Refrigerating Engineers to be composed of three members who shall be appointed by the President of the Philippines with the consent of the Commission on Appointments from among such persons of recognized standing in the Air Conditioning and Refrigeration Engineering Profession who, aside from the qualifications set forth in Section 5 hereof, shall be recommended and certified by the Philippine Air Conditioning and Refrigeration Engineering Society, as professionally, academically and morally fully qualified. The Board shall elect a Chairman from among its members.

SEC. 3. Term of Office.—The members of the Board shall hold office for a term of three years after appointment or until their successor shall have been appointed and duly qualified. The members of the first Board appointed under this Act shall hold office for the following terms: one member for one year, one member for two years and one member for three years. Vacancies shall be filled for the unexpired term only. Each member of the Board shall qualify by taking the proper oath of office prior to entering upon the performance of his duties. No member shall be reappointed after serving for a full term of three years.

SEC. 4. Powers, vested in the Board of Examiners for Air Conditioning and Refrigerating Engineers.—The Board is vested with authority conformably with the provisions of this Act, to administer the provisions thereof, to issue, suspend and revoke certificates of registration for the practice of air conditioning and refrigeration engineering and to administer oaths.

In carrying into effect the provisions of this Act, the Board may, under the hand of its Chairman and the seal of the Board subpoena witnesses and compel their attendance, and also require the production of books, papers, documents, etc., in a case involving the revocation of registration, practice or offer to practice without registration. Any member of the Board may administer oaths or Affirmation to witnesses appearing before the Board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any book, paper, document, etc., the Board may present its petition to the Court of First Instance, setting forth the facts, and thereupon such Court shall, in a proper case, issue its subpoena requiring his attendance before such court and there to testify or to produce such books, papers, documents, etc., as may be deemed necessary and pertinent by the Board. Any person failing or refusing to obey any subpoena or order of the said court may be proceeded against in the same manner as for the refusal to obey any other subpoena or order of the court.

The Board shall exercise the powers conferred upon it by this Act, shall have charge of the selection, development, preparation of all codes, recommended standards of practice in the field of air conditioning and

refrigerating engineering and all revisions therein to be adopted by all practitioners.

It shall cooperate with other government agencies in the promotion and encouragement of research in the fields of air conditioning and refrigeration.

The Board shall inspect at least once a year; refrigerating engineering works, projects or plants, corporation established in the Philippines, for the purpose of adequately safeguarding life, health and property; the Board also shall inspect educational institution offering courses in an air conditioning and refrigerating engineering and shall discharge such other powers and duties as may affect ethical and technological standards of the air conditioning and refrigerating engineering profession in the Philippines.

For the purpose of this Act the Director of the Bureau of Labor Standards and/or his duly authorized representatives in the provinces and such other competent registered engineer of chartered cities, shall be Ex-Officio agents of the Board, and as such it shall be their duty to help in the enforcement of the provisions of this Act.

SEC. 5. Qualifications of Board Members. - Each member of the Board shall at the time of his appointment:

- Be a citizen of the Philippines and resident thereof.
- Be at least thirty years of age and of good character.
- Hold the degree of Bachelor of Science in Mechanical Engineering (BSME), or Bachelor of Science in Air Conditioning and Refrigerating Engineering, conferred by an engineering school or college, legally chartered and of recognized standing.
- Be a registered Air Conditioning and Refrigerating Engineer (ACRE), or Professional Mechanical Engineer (PME) engaged in the active practice of air conditioning and refrigerating engineering for at least ten years previous to his appointment, (provided that one year after the effectivity of this Act, only an Air Conditioning and Refrigerating Engineer shall be qualified for appointment); and
- Not connected directly or indirectly with any school for at least five years prior to his appointment to the Board.

SEC. 6. Executive Officer of the Board.—The Commissioner of Civil Service shall be the Executive Officer of the Board, shall conduct the examination given by the Board and shall designate any subordinate officer of the Board. All examination papers, minutes of deliberations of the Board shall be under the custody of the Secretary of the Board of Examiners.

SEC. 7. Removal of Board Members.—The President of the Philippines may remove any member of the Board for continued neglect of duty, lack of interest, or incompetency, for unprofessional or dishonorable conduct or for having pecuniary interest in any school, institution, college university where air conditioning and refrigerating engineering is taught, after the member concerned has been given the opportunity to defend himself in the proper administrative investigation.

SEC. 8. Compensation of the Board.—The members the Board shall each receive as compensation the sum of TEN PESOS for each applicant examined or registered with or without examination for any of the two grades provided under Section twelve hereof. All fees shall be received by the permanent Collecting Officer designated by the Board of Examiners, and such officer shall pay all authorized expenses of the Board, including the compensation provided for by this Act for the members of the Board.

ARTICLE II.—Registration and Examination

SEC. 9. Grades.—Certificates of registration for the practice of air conditioning and refrigeration engineering shall

be of two grades and in the order of rank as follows:

- Air Conditioning and Refrigerating Engineers;
- Air Conditioning and Refrigerating Technician.

SEC. 10. Inhibition against the practice of Air Conditioning and Refrigeration Engineering.—Unless exempt from registration, no person shall practice or offer to practice air conditioning and refrigeration engineer in the Philippines, without having previously obtained a certificate of registration from the Board of Examiners for Air Conditioning and Refrigerating Engineers.

SEC. 11. Definition of Terms.—

- Air Conditioning and Refrigerating Engineering (including ventilation and humidity control)—A person shall be deemed to be practicing air conditioning and refrigerating engineering or rendering such service within the meaning and intent of this Act, who shall for a fee, salary or other reward or compensation paid to himself or to another person or even without such reward or compensation, render professional air conditioning and refrigerating engineering service in the form of consultation, investigation, inspection, valuation, design or preparation of specifications or estimates for, or take charge of, supervise or undertake the construction erection, installation or alteration of, or render engineering service in connection with the manufacture, sale, supply or distribution of, or to manage, operate, tend or maintain any air conditioning or refrigerating equipment, machinery or process for works, project or plant, or who shall, by means of sign, cards advertisement or any other way, offer to practice air conditioning and refrigeration engineering service, or who shall use in connection with his name, or otherwise, use assume or advertise any title or description tending to convey the impression that he is an air conditioning or refrigerating engineer, or of the other grade, or that he is engage it the practice of air conditioning and refrigeration engineering as defined in this Act.

- The Term "air conditioning and refrigerating equipment, machinery, or process," as used in this Act shall include the condensing system (compressor, condenser, cooling towers, etc., and auxiliaries), the low side or evaporator systems (direct expansion coils, open type brine Coolers, S & T brine or water coolers; brine water and refrigerant pumps, refrigerant controls, dehumidifiers, air washers handling equipment and duct systems; cold storage rooms; freezer rooms; ice-making accessories and equipments; refrigerant mains including insulation works, and shall include refrigeration materials and supplies, hardware and similar articles or components exclusively manufactured by the trade for the air conditioning and refrigeraing service.

- The term "air conditioning and refrigerating works, project, or plants," as used in this Act, shall include ice-making plants, air conditioning plants, storage plants, processing plants utilizing 'Air conditioning and refrigerating equipment, machinery or process/ manufacturing plants dedicated to the manufacturing of air conditioners, refrigerators, beverage coolers, ice cream or ice drop machine, ice cans, air conditioning ducts, including air grilles, fans, ventilators, dehumidifiers, coils (cooling) for condensers or evaporators, brine tanks, brine coils, storage coils, storage doors and hardwares, etc., service shops repairing the foregoing items: Provided, however, That the provisions of this Act shall not apply to any air conditioning or refrigerating works, projects or plants of less than ten tons refrigerating capacity or less than five tons ice-making capacity.

- The term "ton of Refrigeration," as used in this Act, shall mean absorption of 12,000 BTU per hour and shall be taken as one horsepower of prime mover per ton for purposes of compliance. The term "ice-making," as used in this Act, shall mean 2,000 lbs, of ice flakes, or cubes, blocks harvested every twenty-four hours. For purposes of compliance with this Act, the capacity shall be determined by reference to the manufacturer or local agent or by calculations or other methods of determination made by a registered air conditioning and refrigerating engineer.

Such determination of capacities shall be accepted as correct until otherwise determined by the Board of Examiners for Air Conditioning and Refrigerating Engineers, whose decision shall be final.

- Capacity of works, project or plant—The tonnage rating of mechanical works, projects, or plants, for purposes of compliance with the provisions of this Act, shall be the total installed tonnage for use in such works, project or plant, whether in operation or not, and without regard to the number or capacities of the refrigerating and/or air conditioning equipment, machinery or processes.

SEC. 12. Exemption.—Registration shall not be required of the following classes of persons:

- Engineering students, apprentices and others employed or acting as subordinates of a person holding a valid certificate of registration under this Act.
- Any person practicing refrigerating and/or air conditioning engineering in any works, project or plant of less than ten tons refrigeration capacity or less than five tons ice-making capacity.

SEC. 13. Examination required.—Except as otherwise specifically alloyed under the provisions of this Act, all applicants for registration for the practice of air conditioning and refrigerating engineering shall be required to undergo technological examination as provided for in this Act.

SEC. 14. Qualification of applicant for Air Conditioning and Refrigerating Engineer.—Any person applying for examination and for a certificate of registration as air-conditioning and refrigerating engineer shall, prior to admission to examination, establish to the satisfaction of the Board.

- That he is at least twenty-five years of age.
- That he is of good reputation and moral character.
- That he has graduated from a duly accredited school or college, after completing an approved course in mechanical engineering, or electrical engineering, and that he has a specified record of an additional four years or more of active practice in air conditioning and refrigeration engineering works; Provided, That one year after the approval of this Act, the sub-section shall no longer apply; or
- hat he has graduated from a duly accredited school or college after completing an approved course in air conditioning and refrigeration engineering, and has an additional two years or more of active practice in air condition ing and refrigeration engineering works as certified to by the air conditioning and refrigeration engineer under whom applicant had acquired such practice.
- In considering the application of applicants, being in charge of air conditioning and refrigeration engineering teaching in an engineering school accredited with the Board may be regarded as being in active practice in air conditioning and refrigeration engineering work.

SEC. 15. Qualifications of applicant for Air Conditioning and Refrigeration Technician.—Any person applying for examination and for a certificate or registration as Air Conditioning and Refrigeration Technician shall, prior to admission to examination, establish to the satisfaction of the Board:

- That he is at least twenty-one years of age;
- That he is of good reputation and moral character;
- That he has graduated from an accredited vocational or trade school offering a course in air conditioning and refrigeration, or
- That he has a specific record of two years or more of active practice in air conditioning or refrigerating plant

operation, servicing, or trouble shooting as certified to by the air conditioning and refrigerating engineer under whom applicant had acquired such practice; is competent to undertake the operation, servicing, and trouble shooting of air conditioning and/or refrigerating plant, works, or projects of less than thirty tons refrigerating capacity or five tons ice-making capacity, and has the working knowledge and can read, write and speak English or Spanish or any of the recognized dialects.

SEC. 16. Holding of Examination.—Examination for candidates desiring to practice air conditioning and refrigeration engineering in the Philippines shall be given twice a year during every first Tuesday of March and September at a place that the Board may fix. Written or printed notice of such examination shall be mailed to each candidate who has filed his name and address with the Board, at least thirty days prior to the date of the first day of examination.

SEC. 17. Scope of Examination.—The scope and procedure of the examination shall be prescribed by the Board with special reference to the applicant's ability to do the class of air conditioning and refrigeration engineering work pertaining to the particular grade he is to be registered for, and to prove that said applicant has sufficient technological knowledge to insure safety to life, health and property as well as economy and efficiency in the design, construction, installation, maintenance, operation, organization and management of air conditioning and refrigerating plants or works.

SEC. 18. Report of Ratings.—The Board of Air Conditioning and Refrigerating Engineers, shall, within one hundred twenty days after the date of the completion of the examinations, report the ratings obtained by each candidates to the Commissioner of Civil Service, who shall submit such ratings to the President of the Republic of the Philippines.

SEC. 19. Registration as Air Conditioning and Refrigerating Engineering without examination.—No examination shall be required of any person who shall, with his application for registration as air conditioning and refrigerating engineer within one year after passage of this Act, submit to the Board evidence or other proof showing that, on the date of the approval of this Act, he has a specific record of ten years of active practice in air conditioning or refrigeration engineering work of a character satisfactory to the Board and indicating that the applicant is competent to render air conditioning and refrigeration engineering service and that he is a duly registered Professional Mechanical Engineer, or Mechanical Plant Engineer or Professional Electrical Engineer or Associate Electrical Engineer or Chemical Engineer, or Junior Mechanical Engineer or Associate Electrical Engineer.

SEC. 20. Registration as Air Conditioning and Refrigeration Technician without examination.—No examination shall be required of any person who upon passage of this Act shall, with his application for registration as air conditioning and refrigeration technician, present evidence or other sufficient proof satisfactory to the Board:

- He had a specific record of five years or more of active practice in air conditioning or refrigeration plant operation, service, and trouble shooting, showing that the applicant is competent to undertake the operation, installation and servicing of air conditioning and/or refrigerating plants, works or projects of less than thirty tons refrigeration capacity or five tons ice-making capacity, and has the working knowledge and can read, write and speak English, Spanish or any of the recognized dialects and has the first two qualifications specified under Section fourteen of this Act; or
- He is actually employed at the approval of this Act in the operation of regularly organized air conditioning or refrigeration works, project or plant of less than thirty tons refrigeration capacity or five tons ice-making capacity without serious accident as certified to by his employer: Provided, however, That his registration will be valid only for the works, project or plant where he is actually employed.

SEC. 21. Issuance of Certificate.—The Board of Examiners for Air Conditioning and Refrigerating Engineers shall issue a certificate of registration upon payment of the registration fees as provided for in this Act, to a applicant who, in the opinion of the Board and after approval of his ratings by the President, has satisfactorily met all the requirements specified in this Act for the particular grade for which he is registering. All certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by all the members of the Board, and shall be attested to by the Official Seal.

SEC. 22. Seal of Air Conditioning and Refrigerating Engineer.— Each registrant for the grade of professional air conditioning and refrigerating engineer shall, upon registration, obtain a seal of a design prescribed by the Board, bearing the registrant's name, the certificate number, and the legend "Registered Air Conditioning and Refrigerating Engineer" Plans, specifications, price quotations, reports and other professional documents prepared by or executed under the immediate supervision of, and issued by a registrant, shall be stamped on every sheet with said seal when filed with government authorities or when submitted or sued professionally: Provided, That it shall be unlawful for any person to stamp or seal any document with said seal after the certificate of the registrant named therein has been revoked or suspended, unless said certificate shall have been reinstated or reissued.

SEC. 23. Fees for examination and registration.—Every applicant for examination for the grade of air conditioning and refrigerating engineer, shall pay an examination fee of fifty pesos; and for Refrigeration Technician, the amount of thirty pesos, which fee shall accompany the application.

Every registrant for the grades of air conditioning refrigerating engineer shall pay a registration fee of ten pesos; and for the grade of Air Conditioning and Refrigeration Technician shall pay a registration fee of five pesos; Provided, That when an applicant is registered without an examination, for grade of Air Conditioning and Refrigerating engineer he shall be required to pay a registration fee of fifty pesos; for the grade of Air Conditioning and refrigeration Technician a fee of fifty pesos.

SEC. 24. Refusal to issue a certificate.—The Board of Air Conditioning and Refrigerating Engineers shall refuse issue a certificate to any person convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude, or to any person guilty of immoral or dishonorable conduct, or to any person of unsound mind In the event of a refusal to issue a certificate for any person the Board shall give to the applicant a written statement setting forth its reason for such action, which statement shall be incorporated, in the record of the Board.

SEC. 25. Suspension and revocation of certificates. — The Board shall have the power, upon proper notice and hearing, to suspend or revoke any certificate of registration of any registrant for any cause specified in the preceding section, or for the use or perpetration of any fraud or deceit in obtaining a certificate of registration, or for gross negligence or incompetency, or for unethical practice or dishonorable and unprofessional conduct: Provided, however, That the action of the Board shall be subject to appeal to the President.

It shall be sufficient ground for the revocation of a certificate issued under this Act for unethical practice or dishonorable and unprofessional conduct, that he has: (1) signed and affixed his seal on any plans, designs, technical reports, valuations, specification, quotations, estimates, or other similar documents, or works not prepared by him; (2) represented himself as having taken charge of, undertaken or supervised the design, construction, erection, installation, or alteration of an air conditioning or refrigeration works, projects or plant, without actually having done so: (3) represented himself as having performed air conditioning or refrigeration engineering service in connection with the manufacture, sale, supply or distribution of mechanical equipment, machinery or process, without actually having done so; or (4) represented himself as having managed, operated, tended, or maintained an air conditioning or refrigerating works, project or plant without actually having done so.

Any person or persons, firm, association, or corporation may prefer charges in accordance with the provisions of

this section, against any registrant; or the Board itself may "Motu proprio" investigate and/or take cognizance of acts practices constituting sufficient cause for suspension or revocation of the certificates or registration by proper resolution or order. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filled with the Secretary of the Board.

SEC. 26. Reissue of revoked certificates and replacement of lost certificate.—The Board may, after the expiration of one year from the date of revocation of a certificate, for reasons it may deem sufficient, entertain an application for a new certificate or registration from a person whose certificates has been revoked in the same manner as application for original ones, and in doing so it may, at its discretion, exempt the applicant from the necessity of undergoing; an examination.

A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules of the Board, and a charge of twenty pesos shall be made for such issuance.

ARTICLE III.—Sundry Provision Relative to the Practice of Air Conditioning and Refrigerating Engineering

SEC. 27. Prohibition in the practice of air conditioning and refrigeration engineering.—Penal provisions Any person who shall practice or offer to practice air conditioning or refrigeration engineering in the Philippines without being registered or exempted from registration in accordance with the provisions of this Act, or any person presenting or attempting to use as his own the certificate or registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any registrant of like or different name, or any person who shall attempt to use a revoked or suspended certificate of registration, or any person who shall use in connection with this name or otherwise assumed, use or advertise any title or description tending to convey the impression that he is an air conditioning and refrigerating engineer or that he is registered under any of the grades enumerated in Section nine of this Act, without holding a valid certificate of registration for that grade or any person who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor and shall, upon conviction, be sentenced to a fine of not less than five hundred pesos nor more than one thousand pesos, or to suffer imprisonment for a period not exceeding three months, or both, in the discretion of the Court.

SEC. 28. Field of action authorized for each grade Prohibitions.—It shall be unlawful for any person, unless exempted from registration under Section ten of this Act;

- To be in responsible charge of the preparation of plans, designs, investigations, valuations, technical reports, specifications, or estimates, or to be in performance of other professional air conditioning or refrigeration engineering service for any works, projects or plant, either for himself or for others, unless he holds a valid certificate of registration as air conditioning and refrigerating engineer.
- To be responsible charge of the construction of air conditioning and refrigeration engineering services, erection, installation or alteration or of the performance in connection with the manufacture, sale, supply or distribution of any equipment, machinery or process for any work project or plant, either for himself or for others, unless he holds a valid certificate of registration as air conditioning and refrigerating engineer.
- To operate, tend or maintenance of any air conditioning and refrigerating equipment, machinery, thirty tons refrigeration capacity or five tons ice-making or more but less than one hundred tons ice-making capacity, unless he hold a valid certificate of registration as air conditioning and refrigerating engineer, or air conditioning and refrigeration technician.
- To operate, tends or maintain or he is charge of the operation, tending or maintenance of any air conditioning and/or refrigerating equipment, machinery or process for any works, project or plant of three hundred tons

refrigeration capacity or over, or one hundred twenty tons ice-making capacity or over, unless he holds a valid certificate of registration as an air conditioning and refrigerating engineer.

SEC. 29. Personnel required in air conditioning or refrigerating plants.—Every air conditioning or refrigerating works, projects, or plant, in operation shall have not less than the following resident engineers or technicians duly registered under this Act.

- Thirty tons refrigerating capacity or more but less than three hundred ton refrigeration capacity and five tons ice-making capacity or more but less than one hundred twenty-one ice-making capacity, one air conditioning or refrigeration technician, or one air conditioning or refrigerating engineer to be responsible for the refrigeration technician, or one air conditioning and refrigerating engineer to be responsible for the refrigeration side of the installation.

- Three hundred TR and above, and one hundred twenty TIM and above, one air conditioning and refrigerating engineer : Provided, That every air conditioning and refrigerating works, project, or plant operating in more than one shift every twenty-four hours, shall have, in addition to the minimum personnel herein required, one duly registered technician or engineer of any rank in charge of each and every additional shift.

SEC. 30. Preparation of plans and supervisions of construction by registered engineers required.—It shall be unlawful for any person to order or otherwise cause the design, construction, erection, installation or alteration, of any air conditioning and refrigerating- equipment, system, machinery or process for any works, project or plant of five tons refrigeration capacity or more and one TIM capacity or more, unless designs, plans, layouts, and/or specifications have been prepared under the responsible charge of, signed and sealed by a registered air conditioning and refrigerating engineer, and unless the construction, erection, installation, and/or alteration thereof are executed under the responsible charge and direct supervision of a registered air conditioning and refrigerating engineer a person exempt from registration under Section (c) and (d) of Section fourteen of this Act.

SEC. 31. Application to firm and corporations.—A firm or corporation, or an association may engage in the practice of air conditioning and refrigeration engineering in the Philippines, provided only that such practice is carried on by air conditioning and refrigerating engineers, and air conditioning and refrigeration technicians, holding valid certificate of registration issued by the Board.

No firm, partnership, corporation or association, using the name of a person or persons as in the name of a firm, shall advertise as air conditioning or refrigerating engineers unless said person or persons are registered air conditioning and refrigerating engineers.

SEC. 32. Reciprocity.—No foreign engineer shall be admitted to examination, be given a certificate of registration or be entitled to any of the rights or privileges under this Act, unless the country of which he is a subject or citizen specifically permits Filipino engineers to practice within its territorial limits on the same basis as the subjects or citizens of each country.

SEC. 33. Acts not affecting other professionals.—This Act shall not be construed to affect or prevent the practice of any other legally recognized professions.

SEC. 34. Saving clause.—If any section or sections of this Act, shall be declared unconstitutional or invalid, such declaration shall not invalidate any other sections of this Act.

SEC. 35. Repealing Clause.—All laws, parts of order ordinances or regulations is conflict with the provision of this Act, as pertain to the practice of air conditioning and refrigeration engineering are hereby repealed.

SEC. 36. Effectivity.—This Act shall take effect upon approval.

Approved, June 20, 1964.

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