RULES AND REGULATIONS IMPLEMENTING REPUBLIC ACT NO. 8559 (THE PHILIPPINE AGRICULTURAL ENGINEERING ACT OF 1998)

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Pursuant to Section 29, Article V of Republic Act No. 8559, otherwise known as the "Philippine Agricultural Engineering Act of 1998", the following rules and regulations is hereby adopted and promulgated to carry out the provisions of the Act.

Article I
Title, Purposes and Definition of Terms
Section 1. Title. — This Resolution shall be known and cited as the "Rules and Regulations Implementing the Philippine Agricultural Engineering Act of 1998."

Section 2. Purpose. — This Rules and Regulations is formulated and adopted to prescribe the procedures in carrying out the provisions of R.A. No. 8559 and —

a. To ensure an efficient administration of and a reliable and honest licensure examination for the registration of agricultural engineers;

b. To effectively supervise and regulate the practice of the agricultural engineering profession; and

c. To ensure, in coordination with the Commission on Higher Education (CHED), that all institutions offering agricultural engineering education comply with the policies, standards and requirements of the course prescribed by the CHED in the areas of curriculum, faculty, library and facilities.

Section 3. Definition of Terms. — Unless otherwise provided, the following terms shall mean:

a. Commission — shall mean the Professional Regulation Commission (PRC) created under P.D. No. 223, as amended.

b. Commissioner — shall mean the Chairman of the Professional Regulation Commission.

c. Board — shall mean the Board of Agricultural Engineers.

d. Practice of Agricultural Engineering — shall refer to the application of the fundamental and known principles of engineering to the peculiar condition and requirements of agriculture as an industry and as a field of science, and shall include, but not limited to the following:

1. Consultation, valuation, investigation and management services on agricultural engineering;

2. Preparation of engineering designs, plans, specifications, project studies and estimates, and the supervision and other management services on the construction, installation, operation and maintenance of agricultural, aquaculture and fishery, and forest product machinery, agricultural buildings and structures, farm electrification and energy systems, agricultural processing equipment, irrigation and soil conservation systems and facilities, agricultural waste utilization system and facilities and other agricultural engineering facilities/services, systems and technologies;

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3. Conducting research and development, training and extension work, 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, equipment, services, systems and technologies.

6. Teaching agricultural engineering subjects in institutions of learning in the Philippines accredited by the Commission on Higher Education;

7. Employment with the government provided such item or position requires the knowledge and expertise of an agricultural engineer. Such item or position may include but not limited to Science Research Specialist, Planning Officer, Project Development Officer, Manager and Director in accordance with the prescribed qualification standards.

e. Agricultural Engineering License — shall refer to the professional license issued by the Commission.

f. Certificate of Registration — shall refer to the certificate issued by the Board after passing the required examination and upon completion of all requirements prescribed by the said Board.

g. Syllabus — shall refer to a table of specification containing the contents, systematically arranged by topics and subtopics, of the subjects in the curriculum of the course to be covered in the Licensure Examination for Agricultural Engineers.

h. Licensure Examination for Agricultural Engineers — shall refer to the examination required to be taken and passed for registration as Agricultural Engineer.

i. Integration — shall mean the unification or consolidation of existing organizations of Agricultural Engineers into one national organization which shall be recognized by the Board and the Commission as the only integrated and accredited association of Agricultural Engineers.

j. Agricultural Engineer — shall refer to a natural person who has been issued a certificate of registration by the Board of Agricultural Engineering and has taken the oath of profession of Agricultural Engineers.

k. Agricultural Engineering Facilities, Services, System and Technologies — shall refer to: (1) agricultural machinery, equipment and power units; (2) agricultural buildings and structures; (3) agricultural electrification and energy; (4) agricultural processing and food engineering; (5) soil and water conservation; (6) irrigation and drainage and water resources management; (7) agricultural waste disposal and utilization and environmental management; (8) agricultural information resources and technology; (9) agricultural instrumentation and control; (10) fishery and aquacultural resources engineering and (11) forest product resource engineering.

l. Agricultural Machinery Equipment and Power Units — shall consist of all farm power and equipment for the production, processing, storage, manufacturing, preserving, transporting and distribution of agricultural, fishery, aquaculture and forestry products. It includes tractor and their attachment, power tillers, seeders, transplanters, equipment, windmill, slaughtering equipment, meat processing equipment, fishery and aquaculture and forest processing equipment, post harvest machines such as milling machinery, dryer, thresher, etc., and agricultural transport machinery.

m. Agricultural Buildings and Structures — shall include silos and its components, agricultural machinery and equipment, sheds, farm houses, green/screen houses, poultry houses, piggery houses, slaughterhouses, farm to market roads, farm bridges, agricultural products storage/warehouse, buildings and structures for poultry,

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livestock and fishery production and processing, agricultural processing, kiln drying and lumber treatment structure, farm equipment, farm supplies and other structures such as self feeders, and soil and water conservation structures.

n. Agricultural Electrification and Energy — shall embrace the design and installation of electric system for agriculture, conservation equipment, micro-hydro-electric generators and motors for power on the farm, village level power plant including the development and operation of conventional and non-conventional energy equipment and facilities for agricultural purposes.

o. Agricultural Processing and Food Engineering — shall include local activity or series of activities to maintain or raise the quality or change the form or characteristics of agricultural, fishery and forestry products. It also includes cleaning, sorting, grading, treating, drying, dehydrating, grinding, mixing, milling, canning, dressing, slaughtering, freezing, pasteurizing, conditioning, packaging, repacking, transporting, etc. of agricultural, fishery and forestry products.

p. Soil and Water Conservation — shall consist of management practices for small farm reservoir, farm ponds, small water impoundments to include contour farming; terracing; use of erosion control structures; land conditioning, mulching, flood control, agricultural planning and surveying and agricultural meteorology.

q. Irrigation and Drainage and Water Resources Management — shall include the design, construction, installation, operation and maintenance of irrigation and agricultural drainage systems, drip, sprinkler and other pressurized irrigation system; hydro-meteorology; surface and ground water resource management, irrigation structures and facilities such as dams, weirs, pump systems, conveyances, canals and flumes.

r. Agricultural Waste Disposal, Utilization and Environmental Management — shall consist of the development of systems, processes and equipment for agricultural waste disposal and utilization and environment-friendly technologies such as compost plant, biogas plant, biomass utilization technologies, systems and processes.

s. Agricultural Information Resources and Technologies — shall include utilization of agricultural information systems, database and other information management tools for agricultural use, and the application of computers to agriculture.

t. Agricultural Instrumentation and Control — shall include measuring instruments and control system for agricultural applications such as moisture meters, weighing scale, other metrology equipment and the like.

u. Fishery and Aquaculture Resource Engineering — shall involve the design, construction, installation, operation, maintenance and management of machinery, equipment and facilities for fishery and aquaculture production, processing, transporting and marketing such as fish ponds, fish pens/cages, aerators, fish handling equipment and machinery and fish cold storage.

v. Forest Product Resources Engineering — shall involve the design, construction, installation, operation, maintenance of systems and facilities, machinery and equipment for forest product and by-products processing, transporting and marketing.

Article II
Official Seal of the Board
Section 4. Official Seal of the Board. — The Board shall adopt its official seal.

Article III
Composition and Meetings of the Board
Section 5. Composition. — The Board of Agricultural Engineering shall be composed of a Chairman and two (2)

members who shall be appointed by the President of the Philippines from a list of three (3) recommendees for each position chosen by the Commission from the list of nominees selected and submitted by the integrated and accredited association of agricultural engineers.

Section 6. Terms of Office. — The members of the Board shall hold office for a term of three (3) years and until their successors shall have been appointed and qualified. Of the members first appointed under R.A. No. 3559, the Chairman shall be appointed and hold office for three (3) years; one (1) member for two (2) years; and one (1) member for one (1) year.

The Chairman or a member of the Board may be reappointed for another term but in no case shall he serve continuously for more than six (6) years.

Section 7. Board, a Collegial Body. — The Chairman and Members of the Board shall act as a collegial body in matters involving the exercise of its powers and functions as well as the implementation of its policies. Official action on such matters by the Board shall be effective only when approved by the Commission.

Section 8. Meetings. — The Board shall hold regular meetings at least once a month within the premises of the Commission or in such other places as may be agreed upon and approved by the Commission. A special meeting may be called by the Chairman or any two members.

The Chairman shall preside over the meetings of the Board. In the absence of the Chairman, the senior member, if any, or the member designated by the Chairman shall act as Presiding Officer.

Article IV
Duties and Responsibilities of the Board
Section 9. Duties and Functions of the Chairman. — The Chairman shall be the head of the Board and, as such, he shall equitably assign the subjects for examination to the members of the Board in accordance with their expertise; designate members to conduct investigations of administrative cases and designate members to undertake the visitorial powers of the Board. He shall also be responsible for the assignment of other duties and responsibilities to the members and for the supervision and management of their work. The Chairman shall be the spokesman of the Board in the Commission.

Section 10. Enforcement and Implementation. — The Board, in the enforcement and implementation of the provisions of Republic Act No. 8559 and in the execution and performance of its powers, duties and functions and responsibilities provided therein, shall be assisted, supported and/or adviced by the Commission through its offices, divisions, sections and units.

Section 11. Promulgation of Decisions, Rules, Orders, etc. — To promulgate a decision, resolution or order which is not interlocutory in an administrative case, or a policy, rule or regulation and for the implementation of other provisions of R.A. No. 8559, the Board shall meet en banc and vote personally. Both a quorum and a majority vote are required for the validity of any of the foregoing actions. The presence of two (2) members shall constitute a quorum and the vote of two (2) members shall constitute a majority vote.

Any official action of the Board other than a decision, resolution or order issued in an administrative case shall be valid, enforceable, and effective only after it shall have been approved by the Commission and published in the Official Gazette or newspaper of general circulation. Publication shall not be required of a Board's resolution, order, or other issuances which are internal or not penal or disciplinary in nature, and not affecting the public in general.

Section 12. Meetings and Official Business with the Commission. — Unless all members of the Board are required

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by the Commission, the Chairman shall be the representative of the Board in all official meetings and businesses with the Commission. The Chairman of the Board shall be the spokesman in such meetings or official businesses.

Section 13. Action on Papers, Communications and Other Documents. — The Board shall act on all papers, communications, certificates, cases or other documents within the premises of the Commission. Action on such documents outside the premises of the Commission shall be with the written consent of the Chairman of the Commission.

Section 14. Interpretation of the Provisions of R.A. No. 8559 and the Rules and Regulations and Code of Ethics and Professional Standards Issued by the Board. — The Board may, at first instance, resolve issues arising from the implementation of the provisions of R.A. No. 8559 in the form of opinions issued by the Board through its Chairman. It may also issue opinions on questions arising from the implementation of its Rules and Regulations and Code of Ethics and Professional Standards through its Chairman.

Section 15. Action on Ministerial Matters. — Ministerial matters arising from the implementation of the Rules and Regulations issued by the Board or communications whose subject for action are ministerial in nature shall be acted upon by the Chairman of the Board.

Article V
Application and Examination
Section 16. Application. — The applicant for examination shall file a computerized application form duly accomplished in the Application Division of the Commission or in any of its Regional Offices which are also test centers, accompanied by authentic or authenticated copies of the required documents.

A Filipino citizen who graduated from a foreign educational institution desiring to take the licensure examination for agricultural engineers shall be required to present an endorsement from the Commission on Higher Education in order that he will be allowed to take the examination.

Section 17. Examination. — All applicants for registration to the practice of the agricultural engineering profession shall be required to take and pass the agricultural engineer licensure examination.

Section 18. Qualifications of Applicant for Examination. — Every applicant for examination shall establish the following:

a. That he/she is a citizen of the Philippines;

b. That-he/she is a graduate of Bachelor of Science in Agricultural Engineering in a school, academy, institute, college or university duly recognized by the CHED.

Section 19. Places and Dates of Examination. — The Agricultural Engineer Licensure Examination shall be held at least once a year in the City of Manila and in such other places as determined by the Board and approved by the Commission. The places/venues and dates of examinations for the year shall be included in the Schedule of Professional Licensure Examinations issued yearly by the Commission.

Section 20. Program of Examination. — The Board shall issue a program for every scheduled examination not later than twenty (20) days before the first day of the examination which contain the subjects for examination with their corresponding percentage weights, the date/s, time and place of examination. The program shall include the instructions to the examinees and the names and signatures of the Chairman and members of the Board.

Section 21. Publication of Examination. — The dates, time and venues of the licensure examinations shall be published in a newspaper of general circulation or disseminated to prospective examinees through schools, colleges and universities offering agricultural engineering courses at least one (1) month prior to the first day of

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examination.

Section 22. Licensure Examination Requirements. — Each applicant for examination shall comply with/accomplish all the requirements prescribed by the Board and the Commission.

Section 23. Scope of Examination. — The examination for agricultural engineering shall cover the following subjects:

1. Agricultural mechanization, power, machinery and equipment;

2. Soil and water conservation, irrigation and drainage; and

3. Rural electrification, agricultural processing and agricultural structures.

Section 24. Re-Examination. — An applicant who fails to pass the examination for the third time shall be allowed to take another examination only after the lapse of one year from the last examination taken; Provided, That the first examination and the removal examination, if he fails, shall be considered as one failure.

Section 25. Formulation of Syllabus. — The Board shall formulate and adopt a syllabus for each of the licensure examination subjects. Test questions that will be prepared and encoded in the computers shall be within the scope of the syllabus.

Section 26. Full Computerization of Examination. — The licensure examinations shall be fully computerized. New members of the Board assigned a particular subject shall prepare at least five hundred (500) questions in each of the subjects he is assigned. These questions shall be inputted in the item bank from which the questions to be given in a particular licensure examination shall be extracted at random. The Test Questions Bank for a particular subject shall be replenished within sixty (60) days from the release of the results of the examination with at least three hundred (300) questions every after examination until the bank has 2,000 questions in which case the replenishment shall be equal to the number of questions extracted. The correction of the answer sheets of the examinees shall be done by the computers.

Article VI
Registration and Certificate of Registration
Section 27. Automatic Registration. — All practicing agricultural engineers who are registered with the Professional Regulation Commission in accordance with R.A. 3927 are hereby automatically registered and authorized to practice the agricultural engineering profession.

Those agricultural engineers registered with the Professional Regulation Commission in accordance with the same Act who are not practicing their profession at the time R.A. 8559 took effect shall be registered upon filing an application. There should be no deadline for the filing of such application.

Section 28. Registration of Successful Examinees. — All those who passed the licensure examination shall, unless specifically deferred for cause by the Board, be registered after taking the oath of a professional before the Board or any person authorized by law to administer oath and payment of the prescribed fees.

Section 29. Issuance of Certificate of Registration and Professional License. — Upon compliance with the requirements for registration, the name of the Agricultural Engineer shall be entered in the Roll of Agricultural Engineers and he/she shall be issued a certificate of registration and the corresponding professional license.

Section 30. Renewal of the Professional License. — The professional license issued to an agricultural engineer shall be valid for three (3) years and, unless the holder thereof is exempt from CPE requirement, shall be renewed every after three (3) years on the birth month of the agricultural engineer upon presentation of the required

Continuing Professional Education (CPE) credit units earned and payment of the fees for the period under license.

Section 31. Temporary Removal from the Roll of Agricultural Engineers. — An agricultural engineer who has been delinquent in the payment of his annual license fees for five (5) consecutive years since his last payment of said fees shall, after due process has been observed, be dropped from the Roll of Agricultural Engineers.

Section 32. Lifting of Deferment of Registration. — If the disciplinary action imposed upon a successful examinee in a decision rendered by the Board or the Commission is not the cancellation of examination papers and/or prohibition from taking future examinations, the respondent-examinee who passed the said licensure examinations may be allowed by the Board to register if such is provided in the decision.

A duplicate certificate of registration to replace any certificate lost or destroyed may be issued upon application and payment of the prescribed fees.

Section 33. Grounds for the Revocation or Suspension of Professional License. — The Board, after due notice and hearing, may suspend or revoke the license of an agricultural engineer, or cancel temporary/special permit issued to foreign agricultural engineers allowed to practice agricultural engineering in the Philippines if he is found to have committed any of the following:

- Use or perpetuation of any fraud or deceit in obtaining a certificate of registration;

- Incompetence;

- Negligence;

- Abetting the illegal practice of agricultural engineering; and

- Violations of any provisions of R.A. 8559, its Implementing Rules and Regulations, Code of Ethics and Professional Standards for Agricultural Engineers, and the policies adopted by the Board.

The Board shall be assisted by the Legal and Investigation Division of the Commission in performing this function.

Article VII
Registration With or Without Examination and/or Issuance of Temporary Special Permit to Foreigners or Foreign Professionals
Section 34. Applicability of the Guidelines Promulgated by the Commission. — The "Guidelines for the Registration of Foreign Professionals Allowed by the Laws to Practice the Regulated Professions in the Philippines," as amended, promulgated by the Professional Regulation Commission on January 20, 1998 shall be applicable to foreign agricultural engineers allowed by laws to practice the profession in the Philippines.

The Board of Agricultural Engineering shall issue Rules and Regulations providing for the procedure for the registration with or without examination of or issuance of temporary or special permits to foreigners or foreign professionals allowed by the various laws to practice the regulated professions in the Philippines.

Article VIII
Administrative Proceedings
Section 35. Administrative Investigation. — The conduct and procedures of an investigation initiated by the Board against an applicant/examinee for licensure examination or a registered agricultural engineer shall be governed by the provisions of the "Rules and Regulations Governing the Regulation and Practice of Professionals," as amended, issued by the Commission. The pertinent provisions of the Revised Rules of Court shall be suppletory to the said rules.

Article IX
Report on the Performance of the Candidates of Schools, Colleges and Universities in Licensure Examinations
Section 36. Report of the Board. — The Board shall, with the assistance of the Public Information and Statistics Section of the Professional Regulations Commission, prepare a report on the performance of the examinees of schools, colleges or universities in the licensure examinations. The Board may recommend to the Commission on Higher Education: (1) the monitoring of the schools, colleges and universities, whether public or private, whose successful examinees in three [3] consecutive licensure examinations is less than 5% of the total number of its candidates who took the said licensure examinations; (2) the publication of the names of schools, colleges and universities whose successful examinees in each of the licensure examinations is less than 5% of the total number of examinees in each of the licensure examinations taken; and (3) the closure of the course/program.

Article X
Seal and Use of Seal of Agricultural Engineers
Section 37. Seal of Licensed Agricultural Engineer. — Every agricultural engineer shall obtain a seal whose design shall be adopted by the Board. Plans and specifications prepared by or under the direct supervision of a registered agricultural engineer shall be stamped with his seal during the validity of his professional license. The Agricultural Engineer shall likewise indicate his Professional License Number, the duration of its validity, including the privilege (professional) tax receipt number on all documents he signs, uses or issues and affixes his seal in connection with the practice of his profession.

Section 38. Documents to be Signed and Sealed. — The documents to be signed and sealed by an agricultural engineer shall be those listed in Annex "A" of PRC Resolution No. 270, Series of 1993. The Board may also add other documents to be signed and sealed by an agricultural engineer.

Article XI
Code of Ethics and Professional Standards
Section 39. Code of Ethics and Professional Standards. — The Board, in consultation with the Integrated and Accredited Association of Agricultural Engineers and subject to the approval of the Commission, shall adopt and promulgate a Code of Ethics and Professional Standards for agricultural engineers.

Section 40. Code of Technical Standards of Agricultural Engineering. — The Board, in collaboration and consultation with the Integrated and Accredited Association of Agricultural Engineers and concerned agencies, government and private, shall immediately prepare, develop and promulgate a Code of Technical Standards of Agricultural Engineering which shall contain, among others, standard design and test procedures, material and process specification of agricultural, aquaculture and fishery machinery, structures, processes and other agricultural engineering system. The Code of Technical Standards shall serve as reference of the agricultural engineer in the practice of his profession.

The Board and the Integrated and Accredited Association of Agricultural Engineers with the assistance of the Commission shall work for the incorporation of the Code of Technical Standards of Agricultural Engineering by the Secretary of Public Works and Highways as part of the National Building Code.

Article XII
Miscellaneous Provisions Relating to the Practice of Agricultural Engineering
Section 41. Employment of Agricultural Engineer. — Firms, companies, partnerships or associations which are engaged in the installation, construction, manufacture or sale of agricultural machinery, facilities and other agricultural engineering processes, shall hire or engage the services of at least one licensed agricultural engineer.

The proprietor or manager of a firm, partnership or association which employs a licensed agricultural engineer

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shall post or cause to be posted in a conspicuous place within the place of business of the firm, partnership or association, the certificate of registration of the agricultural engineer.

Section 42. Agricultural Engineering Practice. — The Board shall make representations with firms, partnerships or associations and government agencies and instrumentalities, including government-owned and controlled corporations, educational institutions, local governments to hire, employ or engage the services of licensed agricultural engineers to perform the acts or functions constituting the practice of agricultural engineering in their respective offices, undertakings or projects which involve the design, installation, construction, operation and maintenance, manufacture or sale of agricultural and fishery machinery, facilities and other agricultural engineering systems and processes.

Article XIII
Prohibitions, Enforcement and Penalties
Section 43. Prohibitions. — (1) No person shall stamp or seal any document with the seal of an Agricultural Engineer after his professional license has expired or lost its validity.

(2) No officer or employee of the government, chartered cities, provinces and municipalities now or hereafter charged with the enforcement of laws, ordinances or regulations relating to the construction or alteration of agricultural structures, machineries and equipment, processes and systems shall accept or endorse any plans or specifications which have not been prepared and submitted in full accord with the provisions of R.A. No. 8559, nor shall any payment be approved by any such officer for any work, the plans and specifications of which have not been so prepared, signed and sealed by a duly registered Agricultural Engineer.

(3) No Agricultural Engineer shall sign his name, affix his seal or use any other method of signature of plans, specifications or other documents made by or under another Agricultural Engineer's supervision unless the same is made in such a manner as to clearly indicate that fact of such work actually performed by him.

(4) No person, except the Agricultural Engineer in charge shall sign for any branch of the work or any function of Agricultural Engineering practice not actually performed by him.

(5) No person without the written consent of the Agricultural Engineer or author of drawings and specifications duly signed, stamped or sealed by him, shall duplicate or make copies of said documents for the use in the repetition of and for other projects or buildings whether executed partly or in whole.

(6) No person shall practice Agricultural Engineering unless such person has secured a license to practice Agricultural Engineering.

(7) No firm, company, partnership, association or corporation may be registered or licensed as such for the practice of Agricultural Engineering.

Section 44. Enforcement. — The Professional Regulation Commission through its various offices, divisions, sections and units shall implement the provisions of R.A. No. 8559, enforce the Board's implementing rules and regulations and conduct, through its Legal and Investigation Division, investigations on complaints arising from violations of the provisions of R.A. No. 8559, the Implementing Rules and Regulations including the Code of Ethics and Professional Standards and prosecute the violators if so warranted by the evidence.

Section 45. Penalties. — Any person who violates any provision of R.A. 8559, upon conviction, shall, in addition to administrative sanctions, be penalized by a fine not less than Fifty Thousand (P50,000.00) Pesos nor more than Two Hundred Thousand (P200,000.00) Pesos, or imprisonment of not less than six (6) months nor more than three (3) years, or both fine and imprisonment at the discretion of the court.

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Article XIV
Applicability of Rules and Regulations Promulgated by the Commission Implementing PD No. 223, as Amended
Section 46. Applicability of the Rules and Regulations. — The "Rules and Regulations Governing the Regulation and Practice of Professionals," as amended, promulgated by the Professional Regulation Commission on the 9th day of January, 1974 shall be applicable to the licensure and regulation of agricultural engineers.

Section 47. Separability Clause. — If any section, provision or paragraph hereof shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof, but such judgment shall be merely confined to the clause, provision or paragraph directly involved in the controversy in which such judgment has been rendered.

Article XV
Effectivity
Section 48. Effectivity. — These Rules and Regulations shall take effect after thirty (30) days following the completion of its publication in a newspaper of general circulation or in the Official Gazette, whichever comes earlier.

Adopted: August 3, 1998

(SGD.) GEORGE Q. CANAPI
Chairman

(SGD.) CRESTITUTO C. MANGAOANG
Member

Attested:

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

Approved:

(SGD.) HERMOGENES P. POBRE
Commissioner

(SGD.) ALFONSO G. ABAD
(SGD.) AVELINA DE LA REA-TAN
Associate Commissioners

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