NATIONAL ADMINISTRATIVE REGISTER · JUNE 22, 2004

COMPLIANCE WITH THE LAW ON THE PRACTICE OF SANITARY ENGINEERING BY GOVERNMENT AGENCIES, WATERWORKS OPERATORS, BOTTLED WATER OPERATORS, WATER REFILLING STATION OPERATORS, WATER T...

PRC BOARD OF SANITARY ENGINEERING RESOLUTION NO. 02, SERIES 2004, June 22, 2004

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WHEREAS, on January 02, 2003, the President of the Philippine Association of Certified Water Operators (PACWO), an association of PSSEI trained water operators, wrote a letter to the President, Philippine Society of Sanitary Engineers, Inc. (PSSEI) concerning the establishment and operation of water refilling stations, bottled water plants, waterworks, water tanker operators and other water supply projects without the appropriate plans, designs, specifications, engineer's report, prepared, signed and sealed by a Professional Sanitary Engineer (PSE). The letter was referred by the PSSEI to the Board of Sanitary Engineering (BOARD) for clarification.

WHEREAS, on March 27, 2003, the Philippine Society of Sanitary Engineers (PSSEI) has written the Chairperson, Professional Regulation Commission (PRC), to seek the wisdom and guidance with regards to the operation of waterworks, bottled water plants, water refilling stations, water tankers, etc., many of whom have violated the provisions R.A. No. 1364 or the Sanitary Engineering Act;

WHEREAS, the issuance of Administrative Order No. 31 S. 1979 by the Department of Health (DOH), entitled "Requirements for the Accreditation of Water Analysis Laboratories"" authorizing their professionals to direct and supervise the water analysis laboratory is contrary to the provisions of R.A. No. 1364;

WHEREAS, the Bureau of Food and Drugs (BFAD) Administrative Order No. 18-A, s. 1993, promulgated a guideline without clearly stating who are authorized to prepare the plans, specifications, basis for the design of the plant, the treatment of water, the supervision, monitoring and management of the plant and other provisions that may not conform to the provisions of R.A. No. 1364;

WHEREAS, on June 25, 1999, the Department of Health issued a Supplemental Implementing Rules and Regulations (SIRR) of Chapter II - "Water Supply" of the Code of Sanitation of the Philippines (P.D. No. 856) which was published in the Philippine Daily Inquirer on July 16, 1999, reiterating the activities of Sanitary Engineers, such as in the conduct of Sanitary Survey (Section 3, 3.1.2.a), the plans and specifications preparation, etc. as a requirement for the issuance of an Initial Permit and Operational Permit for all water source development projects (Sections 3, 3.2.1.c, 3.3.1.b, 3.3.2.), plans and specifications for the complete multi-stage water purification design of the plant (Sections 4, 4.1.1.c, 4.2.2.a). Further, the DOH mandates that (Water) plant operators or persons directly involved in the management or supervision of Retail Water System (RWS) or Refilling Station shall undergo a 40-hour basic certification course (Section 9, 9.5.1). The latter provision, although may seem to compliment the provisions of R.A. No. 1364 is also misleading since it may be interpreted by some, that the trained operators are already authorized by law to manage a water refilling station even without a professional sanitary engineer employed by such establishment;

WHEREAS, water is a basic need that should be properly and professionally managed for public health protection

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to avoid disease outbreak;

WHEREAS, the practice of sanitary engineering as defined in Article I, Section 2 of R.A. No. 1364 embraces the following activities:

- Sanitary surveys, reports, design, direction, management, consultation, and investigation of:

- Water purification plants, water collection and distribution systems, reservoirs, drainage and sewage systems, sewage treatment plants, malaria control structures, sewage disposal tanks, and other structures for public health and welfare.

- Projects relating to stream pollution, insect and vermin control or eradication, rural and camp sanitation, and milk and food sanitation.

- Systems for the prevention of atmospheric pollution or the control of indoor air, especially the air of working spaces in industrial establishments (industrial hygiene engineering).

- Professional research and laboratory work supporting the activities listed in sub-section (a).

- The term "sanitary engineer" as used in this Act shall mean a person duly registered with the Board of Examiners for Sanitary Engineers in the manner as hereinafter provided.

Under Article V, Sec. 28(b) of the same Act mandates the Professional Sanitary Engineer to be in charge in the construction, erection and installation or alteration or of the performance of sanitary engineering service in connection with the manufacture, sale, supply or distribution of any sanitary engineering works, projects or plants;

WHEREAS, the practice of other persons who are not licensed Sanitary engineers constitute illegal practice of sanitary engineering and are criminally liable under the provisions of R.A. No. 1364;

WHEREAS, the power to administer, implement and enforce the regulatory policies of the national government with respect to the regulation and licensing of the various professions and occupational standards and ethics is vested in the Professional Regulation Commission (PRC) under Sec. 7 (a) of Republic Act No. 8981, otherwise known as the "PRC Modernization Act of 2000";

WHEREAS, the Board is under the administrative supervision of the Professional Regulation Commission pursuant to Sec. 7 (c) and (n) of R.A. No. 8981 and is mandated to regulate the practice of the profession in accordance with the provisions of R.A. No. 1364 or the Sanitary Engineering Act;

WHEREAS, the PRC is empowered by Sec. 7 (w) of R.A. 8981 to investigate violators of professional regulatory laws in coordination with the Department of Justice;

WHEREAS, pursuant to R.A. No. 1364, the Board hereby RESOLVED, as it so RESOLVES, to issue and promulgate the hereunder guidelines, to wit:

- The Government Agency authorized to issue Building Permit shall not approve any building permit for water collection, water distribution, water purification or treatment establishments, laboratories and similar establishments and to require those establishments operating without the required building permit as herein stated, unless the following requirements are complied with:

- In case of Registered Sanitary Engineer, a sole practitioner, or partner or manager of a corporation or an association, Certification in good standing from the PRC shall be obtained.

- In case of a Foreign Sanitary Engineer who wants to practice the sanitary engineering profession in the Philippines, he shall secure a Special Temporary Permit issued by the Board and the PRC.

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- In case of other professionals, to secure proof and documents as required under 1.a of this resolution.

- The requirements under the Board of Sanitary Engineering Memorandum Circular No. 2003-13, s. 2003, shall be attached to the application for Building Sanitary Permit.

- The review of the Building Sanitary Permit shall be done by a Professional Sanitary engineer with Continuing Professional Education Development (CPED) units in water supply engineering as certified by the PSSEI and concurred by the Board and PRC.

- City/Municipal health Officers and Rural Health Physicians shall not approve any Sanitary Permit for establishments and Sanitary Clearance for water delivery vehicles unless the requirements embodied in the SIRR of Chapter II, "Water supply" of P.D. No. 856, particularly the field of practice and activities of sanitary engineering, and the provisions of R.A. No. 1364, are complied.

- The water collection, distribution, treatment and storage of all water districts, community and local waterworks shall be under the management of a Professional Sanitary Engineer.

- Water Analysis Laboratories shall be under the direction and supervision of professional Sanitary Engineers.

- Bottled water plants and water refilling stations shall comply with the provisions of R.A. No. 1364 as to sanitary surveys, reports, designs, direction, management, consultation, and investigation of water purification plants, water collection and distribution systems, reservoirs and laboratory and relevant provisions of the SIRR on "Water supply" of P.D. No. 856.

- No government regulatory agencies dealing with the collection, distribution purification or treatment and storage of water shall allow other professionals or persons other than Professional Sanitary Engineers to do the work mentioned above pursuant to R.A. No. 1364.

- All firms whose line of business deals with the manufacture, sale, supply or distribution of any materials, devices, gadgets and equipment used in the collection, distribution, purification and storage of water shall hire a Professional Sanitary Engineer before they are permitted to operate the above-mentioned businesses.

- No "Business Name" shall be issued to any person, firm or organization involved in water purification, water collection, water distribution and water storage unless they have in their employment a Professional Sanitary Engineer. Likewise, the use of "PURE or PURE WATER" in the name of the establishment or its product shall be permitted only if certified by a Registered Sanitary Engineer, otherwise its use may constitute a false, deceptive and misleading advertisement of the product as stipulated under R.A. No. 7394 otherwise known as the "Consumers Act of the Philippines".

- The League of Provinces, Cities and Municipalities shall be informed of this Resolution and it shall be properly disseminated to its entire members.

- The Philippine Society of Sanitary Engineers, Inc., shall:

- Coordinate and collaborate with the Department of Health, Department of Trade and Industry, Department of Interior and Local Government, Metropolitan Waterworks and Sewerage System, Local Water Utilities Administration, and other concerned government agencies for compliance with this Resolution.

- Coordinate and collaborate with other organizations and associations involved in the field of water supply engineering.

- Conduct or cause the conduct of Continuing Professional Education Development (CPED) Training Courses for Sanitary Engineers involved in water supply engineering, supervise their performances, and regularly

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report to the Board its activities.

- Issue the list of active members of the PSSEI for guidance prospective clients and for the information of the general public and the list of Registered Sanitary Engineers who have undergone the Certified Training for Water Operators for Sanitary Engineers or those who have attended the CPED program on Water Supply Engineering conducted by the PSSEI and concurred to by the Board.

- Report to the Board any violation of R.A. No. 1364 particularly the water supply engineering field of practice.

- Violators of any provision aforestated under RA. No. 1364 and the guidelines set forth herein shall be charged either administratively or criminally, or both.

FURTHER, RESOLVED, this Resolution, upon approval by the Commission, shall be effective after fifteen (15) days following its publication in the Official Gazette.

FURTHERMORE, RESOLVED, this Resolution shall be disseminated to all heads of government agencies and instrumentalities particularly the regulatory agencies, and those engaged in water supply collection, distribution, purification or treatment and storage; water analysis laboratories; the President of the Philippine Society of Sanitary Engineers, Inc.; the President of the Philippine Association of Certified Water Operators; the President of the Philippine Waterworks Association; the President of the Philippine Association of Water Districts; the President of the Association of Building Officials; the President of the Association of Municipal Health Officers of the Philippines; and all other concerned entities.

Adopted: 22 June 2004

(SGD.) FLORENCIO G. CUNANAN
Chairman

(SGD.) ANTONINO A. HORMILLOSA
Member

(SGD.) CORAZON DE LOS REYES ROMERO
Member

ATTESTED:

CARLOS G. ALMELOR
Secretary, Professional Regulatory Boards

APPROVED:

(SGD.) ANTONIETA FORTUNA-IBE

Chairperson

(SGD.) AVELINA DELA REA-TAN

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