

COMMONWEALTH ACT NO. 294 – AN ACT TO REGULATE THE PRACTICE OF MECHANICAL ENGINEERING IN THE PHILIPPINES, TO PROVIDE FOR LICENSING, THE OPERATING PERSONNEL IN MECHANICAL PLANTS A...

Commonwealth Act No. 294, June 09, 1938

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ARTICLE I - Organization of the Board

SECTION 1. Title of Act. — This Act shall be known as the "Mechanical Engineering Law."

SEC. 2. Creation and composition of Board. — Within thirty days after the approval of this Act, there shall be created a Board of Mechanical Engineering Examiners, to be composed of three members, one of whom is to be designated chairman; all to be appointed by the Secretary of Public Works and Communications.

SEC. 3. Powers vested in Board. — The Board of Mechanical Engineering Examiners 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 mechanical 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 may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the Board may administer oaths or affirmations to witness 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 to such person, 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 the subpoena or order of the said court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the court.

The Board may exercise the powers conferred upon it by this Act, shall study the conditions affecting the practice of mechanical engineering in all parts of the Philippines, and shall make recommendations to the Secretary of Public Works and Communications with a view to the efficient maintenance of ethical and technological standards in the practice of mechanical engineering for the public well-being and for the adequate safeguarding of life, health and property; thereby fostering the orderly progress of industrialization in the Philippines.

SEC. 4. Qualifications of Board members. — Each member of the Board shall, at the time of his appointment:

- (1) Be a citizen of the Philippines and a resident thereof.
- (2) Hold the degree of M.E. or B.S.M.E. or M.M.E. or M.S.M.E., or the equivalent thereof conferred by an engineering school or college, legally chartered and of good standing.
- (3) Be legally qualified to practice professional mechanical engineering in the Philippines.

(4) Had been a mechanical engineer, engaged in the practice of professional mechanical engineering for at least ten years previous to his appointment.

(5) Not be a member of the faculty of any school, college or university where a regular course in mechanical engineering is taught, nor have pecuniary interest in such institution.

SEC. 5. Term of office. — The members of the Board shall hold office for a term of three years after their appointment or until their successors 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.

SEC. 6. Executive officer of Board. — The Commissioner of Civil Service shall be the executive officer of the Board, shall conduct the examinations given by the Board, and shall designate any subordinate officer of the Bureau of Civil Service to act as secretary of the Board. All records and minutes of the deliberations of the Board, including all examination papers, shall be kept by the Bureau of Civil Service.

SEC. 7. Removal of Board members. — The Secretary of Public Works and Communications may remove any member of the Board for continued neglect of duty or incompetency, or for unprofessional or dishonorable conduct, after having given the member concerned an opportunity to defend himself in the proper administrative investigation.

SEC. 8. Compensation of Board. — The members of the Board shall each receive as compensation the sum of five pesos for each applicant appointed or registered without examination for any of the first three grades provided under Section 11 hereof; and three pesos for each applicant registered without examination or examined for the grade of certified plant mechanic. Any mechanical engineer in the service of the Government of the Philippines appointed as member of the Board shall receive the compensation herein provided, in addition to his salary. All fees shall be received by the officer designated by competent authority as the collecting officer for the Bureau of Civil Service, 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.

SEC. 9. Rules and regulations. — The Board shall, with the approval of the Secretary of Public Works and Communications and with the advice and consent of the Commissioner of Civil Service, adopt rules and regulations governing the examinations and the standards to be attained in them, and shall also promulgate such other rules and regulations as may be necessary to carry the provisions of this Act into effect. Penal provisions may be included in said regulations, the violation of which shall be punishable by a fine of not more than two hundred pesos or by imprisonment for not more than two months, or both, in the discretion of the court.

SEC. 10. Annual report. — The Board shall submit an annual report to the Secretary of Public Works and Communications after the close of each calendar year, giving a detailed account of its proceedings during the year and making such recommendations as it may deem proper.

ARTICLE II - Registration and Examination

SEC. 11. Grades. — Certificates of registration for practice of mechanical engineering shall be of four grades and in the order of rank as follows:

(1) Professional mechanical engineer, (2) mechanical plant engineer, (3) junior mechanical engineer, and (4) certified plant mechanic.

SEC. 12. Inhibition against the practice of mechanical engineering. — Unless exempt from registration, no person shall practice or offer to practice mechanical engineering in the Philippines, without having previously obtained a certificate of registration from the Board of Mechanical Engineering Examiners.

SEC. 13. Definitions of terms. — (a) Mechanical engineering. — A person shall be deemed to be practicing mechanical engineering or rendering mechanical engineering 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 mechanical engineering service in the form of consultation, investigation, valuation, planning, 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 mechanical equipment, machinery or process, for any mechanical works, project or plant; or who shall, by means of signs, cards, advertisement or in any other way, offer to practice mechanical engineering service, use, assume or advertise any title or description tending to convey the impression that he is a professional engineer, or mechanical plant engineer, or junior mechanical engineer, or certified plant mechanic, or that he is engaged in the practice of mechanical engineering as defined in this Act.

(b) The term "mechanical equipment, machinery or process," as used in this Act, shall include steam engines, internal combustion engines, boilers, turbines, crushers, mills, mixers, pumps, compressors, cranes, conveyors, hoists, elevators, pipe lines, line-shafting, etc., but shall not include motor vehicles, street cars, locomotives, steamships, motorships, airplanes, and similar machinery used as means of transportation, nor shall include generators, motors, transformers, rectifiers, or similar machinery or apparatus primarily electrical in nature, nor mechanical or mill supplies, hardware and similar articles.

(c) The term "mechanical works, project or plant," as used in this Act, shall include steam plants, internal combustion engine plants, hydraulic power plants, pumping plants, refrigerating plants, mills, shops, factories, foundries, shipyards, etc., containing any mechanical equipment, machinery or process, driven by steam, internal or external combustion fuel, electricity, air, gas, water, heat, chemicals or other prime movers : Provided, however, That the provisions of this Act shall not apply to any mechanical works, project, or plant of less than twenty (20 H.P.) horsepower, nor to mechanical works, projects or plants of the United States army or navy, nor to such mechanical works, projects or plants of the national, provincial, municipal, or city governments as may be declared exempted by the Secretary of Public Works and Communications.

(d) The term "horsepower," as used in this Act, shall mean the mechanical unit of power equal to five hundred fifty (550 ft. lb.) foot-pounds per second, and shall apply to the normal horsepower rating of the engine, motor, turbine, or other prime mover, at full load, as stamped on the name plate attached to the prime mover. In the absence of a name plate rating, the horsepower rating of a prime mover, for purposes of compliance with the provisions of this Act, shall be determined by reference to the manufacturer or local agent or by calculation or other method of determination made by a reputable registered professional mechanical engineer. Such determinations of horsepower rating shall be accepted as correct until otherwise determined by the Board of Mechanical Engineering Examiners, whose decision shall be final.

(e) Capacity of works, project, or plant. — The horsepower rating of a mechanical works, project or plant, for purposes of compliance with the provisions of this Act, shall be the total horsepower of all engines, motors, turbines, or other prime movers installed for use in such works, projects or plant, whether in operation or not, and without regard to the number or capacities of the mechanical equipment, machineries or processes receiving power from or intended to be driven by such prime movers.

SEC. 14. Exemption from registration. — Registration shall not be required of the following classes of persons:

- (a) Officers or enlisted men of the United States army or navy, or employees of the federal government of the United States.
- (b) Employees and officials of the government of the Philippines, whether national, provincial, municipal or city, while engaged in the practice of mechanical engineering for said government, unless the appointing power decides to make registration a requirement for employment and so reports to the Board.
- (c) Mechanical engineers, or erection or guarantee engineers from other countries called in for consultation or for a specific design or installation, or project not requiring more than three (3) months' residence in the Philippines in any twelve (12) months' period: Provided, That such engineers are legally qualified to practice mechanical engineering in their own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this Act.
- (d) Foreigners employed as technical officers, professors or consultants in such special branches of mechanical engineering as may, in the judgment of the Secretary of Public Works and Communications, be necessary and indispensable for the country.
- (e) Engineering students, apprentices, and other persons employed or acting as subordinates of, or undergoing training under a person holding a valid certificate of registration under this Act.
- (f) Any person practicing mechanical engineering in a mechanical works, project, or plant of less than twenty (20 H.P.) horsepower.

SEC. 15. Examination required. — Except as otherwise specifically allowed under the provisions of this Act, all applicants for registration for the practice of mechanical engineering shall be required to undergo a technological examination as provided in this Act.

SEC. 16. Qualifications of applicant for professional mechanical engineer. — Any person applying for examination and for a certificate of registration as professional mechanical engineer shall, prior to admission to examination, establish to the satisfaction of the Board:

- (a) That he is at least twenty-five years of age.
- (b) That he is of good reputation and moral character.
- (c) That he has completed the high school course or its equivalent.
- (d-1) That he has graduated from an engineering school or college approved by the Board as of satisfactory standing, after completing an approved course in mechanical engineering of not less than four years, and that he has a specific record of an additional four years or more of active practice in mechanical engineering work of a character satisfactory to the Board and indicating that the applicant is competent to render professional mechanical engineering service and to be placed in responsible charge of, supervise and undertake such work; or
- (d-2) That he has completed at least two years of technical engineering training satisfactory to the Board, or has graduated in a course other than engineering from a college or university of recognized standing, and that he has a specific record of an additional eight years or more of active practice in mechanical engineering work of a character satisfactory to the Board and showing in an affidavit by a registered professional mechanical engineer that the applicant is competent to render professional mechanical engineering service and to be placed in responsible charge of, supervise and undertake such work.

In considering the qualifications of applicants, being in charge of mechanical engineering teaching in an

engineering school of recognized standing may be regarded as being in active practice in mechanical engineering work.

SEC. 17. Qualifications of applicant for mechanical plant engineer. — Any person applying for examination and for a certificate of registration as mechanical plant engineer shall, prior to admission to examination, establish to the satisfaction of the Board:

- (a) That he is at least twenty-three years of age.
- (b) That he is of good reputation and moral character.
- (c) That he has completed the high school course or its equivalent.

(d-1) That he has graduated from an engineering school or college approved by the Board as of satisfactory standing, after completing an approved course of not less than four years in mechanical engineering, and that he has a specific record of an additional four years or more of active practice in mechanical engineering work of such character as indicated in an affidavit by a registered professional mechanical engineer and to the satisfaction of the Board, that the applicant is competent to take charge and undertake the construction, erection, installation, alteration, operation, and management of mechanical works, projects or plants and to render engineering services in connection with the manufacture, sale, supply or distribution of mechanical equipment, machinery or processes; or

(d-2) That he has a specific record of eight years or more of active practice in mechanical engineering work of such character as indicated in an affidavit by a registered professional mechanical engineer, to the satisfaction of the Board, that the applicant is competent to take charge of and undertake the construction, erection, installation, alteration, operation and management of mechanical works, projects, plants and to render engineering service in connection with the manufacture, sale, supply, or distribution of mechanical equipment, machinery or processes.

In considering the applications of applicants, being in charge of mechanical engineering teaching in an engineering school of recognized standing may be regarded as being in active practice in mechanical engineering work.

SEC. 18. Qualifications of applicant for junior mechanical engineer. — Any person applying for examination and for a certificate of registration as junior mechanical engineer shall, prior to admission to examination, establish to the satisfaction of the Board:

- (a) That he is at least twenty-one years of age.
- (b) That he is of good reputation and moral character.

(c-1) That he has graduated from an engineering school or college approved by the Board as of satisfactory standing, after completing an approved course of not less than four years in mechanical engineering; or

(c-2) That he has graduated from a vocational or trade school approved by the Board as of satisfactory standing, after completing an approved course of not less than three years in stationary or power plant engineering, and that he has a specific record of an additional four years or more of active practice in mechanical engineering work of such character as indicated in an affidavit by a registered professional mechanical engineering and to the satisfaction of the Board, that he is competent to service as assistant to a professional mechanical engineer or mechanical plant engineer, and to undertake the operation, tending and maintenance of mechanical works, projects or plants of less than two hundred horsepower.

SEC. 19. Qualifications of applicant for certified plant mechanic. — Any person applying for examination and for

a certificate of registration as certified plant mechanic shall, prior to admission to examination, which may be oral only as to the Board may decide, establish to the satisfaction of the Board:

(a) That he is at least eighteen years of age.

(b) That he is of good reputation and moral character.

(c) That he has graduated from a vocational school, or trade school approved by the Board as of satisfactory standing, after completing an approved course of not less than three years in stationary or power plant engineering or any mechanical plant operation, and that he has a specific record of an additional one year or more of active practice in mechanical plant operation of such character as indicated in an affidavit by a registered professional mechanical engineer and to the satisfaction of the Board, that the applicant is competent to undertake the operation, tending and maintenance of mechanical works, projects or plants of less than two hundred horsepower; or

(d) That he has a working knowledge of and can read, write and speak English, Spanish or any of the recognized Philippine dialects, and has a specific record of four years or more of active practice in mechanical plant operation of such character as indicated in an affidavit by a registered professional mechanical engineer and to the satisfaction of the Board, that the applicant is competent to undertake the operation, tending and maintenance of mechanical works, projects, or plants of less than two horsepower.

SEC. 20. Holding of examinations. — Examination for candidates desiring to practice mechanical engineering in the Philippines shall be given twice a year and on such working days and place as the Board may fix with the approval of the Secretary of Public Works and Communications. Written or printed notice of such examination shall be mailed to each candidate who has filed his name and address with the Secretary of the Board, at least thirty days prior to the date of the first day of examination.

SEC. 21. Scope of examinations. — The scope of the examinations and the methods of procedure shall be prescribed by the Board with special reference to the applicant's ability to do the class of 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 mechanical plants or works. It shall be the duty of the Board to prepare the programs of examinations to be submitted to the Secretary of Public Works and Communications for approval and to publish the same as approved at least six months before the date of the examinations wherein they are to be used.

Any alteration or amendments that the Board may later wish to introduce in said program shall also be approved by the Secretary of Public Works and Communications and published at least six months before the date of the examination.

SEC. 22. Report of ratings. — The Board of Mechanical Engineering Examiners shall, within ninety days after the date of the completion of the examinations, report the ratings obtained by each candidate to the Commissioner of Civil Service, who shall submit such ratings to the Secretary of Public Works and Communications for approval.

SEC. 23. Reexamination. — An applicant who for the third time fails to pass the examination for the same grade shall not be allowed to take another until at least one year has elapsed after his last examination.

SEC. 24. Registration as professional mechanical engineer without examination. — No examination shall be required of any person who shall, with his application for registration as professional mechanical engineer, submitted to the Board within one year from the date this Act becomes effective, present evidence or other proof

satisfactory to the Board, showing that, on the date of the approval of this Act, he had a specific record of four years or more of active practice in mechanical engineering work of a character satisfactory to the Board and indicating that the applicant is competent to render professional mechanical engineering service and to be placed in responsible charge of such work; and, any of the following qualifications:

- (a) Had passed a civil service examination for senior mechanical engineer; or
- (b) Was a mechanical engineer duly licensed by the Board of Examiners for Mechanical Engineers under Act Numbered Two thousand nine hundred eighty-five of the Philippine Legislature of nineteen hundred twenty-one, as amended.

SEC. 25. Registration as mechanical plant engineer without examination. — No examination shall be required of any person who shall, with his application for registration as mechanical plant engineer, submitted to the Board within one year from the date this Act becomes effective, present evidence or sufficient proof satisfactory to the Board, showing that, on the date of the approval of this Act, he had any of the following qualifications:

- (a) Had a specific record of ten years or more of active practice in mechanical engineering work of a character indicating that the applicant is competent to take charge of the construction, erection, installation, alteration, operation and management of mechanical works, projects or plants, and has the first three qualifications specified under section seventeen of this Act; or
- (b) He is actually employed at the approval of this Act in a regularly organized mechanical works, project or plant of more than two hundred horsepower capacity and has rendered satisfactory supervisory services without any serious accident as certified by his employer: Provided, however, That his registration will be valid only for the works, plant or project where he is actually employed; or
- (c) Had passed a civil service examination for senior mechanical engineer or is a mechanical engineer duly licensed by the Board of Examiners for Mechanical Engineers under Act Numbered Two thousand nine hundred and eighty-five of the Philippine Legislature of the year nineteen hundred and twenty-one, as amended, and has a specific record of four years or more of active practice in mechanical engineering work of such character indicating to the satisfaction of the Board, that the applicant is competent to take charge of the construction, erection, installation, alteration, operation and management of mechanical works, projects or plants, and to render engineering service in connection with the manufacture, sale, supply or distribution of mechanical equipment, machinery or processes.

SEC. 26. Registration as junior mechanical engineer with examination. — No examination shall be required of any person who shall, with his application for registration as junior mechanical engineer, submitted to the Board within one year after this Act becomes effective, present evidence or other sufficient proof satisfactory to the Board, showing that, on the date of the approval of this Act, he had any of the following qualifications:

- (a) Had passed a civil service examination for senior or assistant mechanical engineer; or
- (b) Was a mechanical engineer duly licensed by the Board of Examiners for Mechanical Engineers under Act Numbered Twenty-nine hundred and eighty-five of the Philippine Legislature of the year nineteen hundred and twenty-one, as amended.

SEC. 27. Registration as certified plant mechanic without examination. — No examination shall be required of any person who shall, with his application for registration as certified plant mechanic, submitted to the Board within one year after this Act becomes effective, present evidence or other sufficient proof satisfactory to the Board, showing that, on the date of approval of this Act:

(a) He had a specific record of ten years or more of active practice in mechanical plant operation of a character indicating that the applicant is competent to undertake the operation and maintenance of mechanical works, projects or plants of less than two hundred horsepower, has the working knowledge of and can read, write and speak English, Spanish or any of the recognized dialects, and has the first two qualifications specified under section 19 this Act; or

(b) He is actually employed at the approval of this Act in the operation of a regularly organized mechanical works, project or plant of less than two hundred horsepower capacity without serious accident as certified by his employer: Provided, however, That his registration will be valid only for the works, project or plant where he is actually employed.

SEC. 28. Issuance of certificates. — The Secretary of Public Works and Communications shall, upon recommendation of the Board, issue a certificate of registration upon payment of the registration fee as provided for in this Act, to any applicant who, in the opinion of the Board after approval of his ratings by the Secretary of Public Works and Communications, 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 members of the Board, the Secretary of Public Works and Communications and the Commissioner of Civil Service, and shall be attested by the official seal.

The issuance of a certificate of registration by the Board to a registrant shall be evidence that the person named therein is entitled to all the rights and privileges of a Registered Professional Mechanical Engineer, Mechanical Plant Engineer, Junior Mechanical Engineer, Certified Plant Mechanic, as the case may be, while said certificate remains unrevoked or suspended.

SEC. 29. Seal of professional mechanical engineer. — Each registrant for the grade of professional mechanical 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 Professional Mechanical Engineer." Plans, specifications, 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 used professionally: Provided, That it shall be unlawful for any one 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. 30. Fees for examination and registration. — Every applicant for examination for the grade of professional mechanical engineer or mechanical plant engineer, shall pay an examination fee of thirty pesos; for the grade of junior mechanical engineer, twenty pesos; and for the grade of certified plant mechanic, a fee of ten pesos; which fee shall accompany the application.

Every registrant for the grades of professional mechanical engineer, mechanical plant engineer and junior mechanical engineer shall pay a registration fee of ten pesos; and for certified plant mechanic, a fee of five pesos: Provided, That when an applicant is registered, without examination, for the grade of professional mechanical engineer or of mechanical plant engineer, he shall be required to pay a registration fee of thirty pesos; for the grade of junior mechanical engineer, twenty pesos; and for the grade of certified plant mechanic, a fee of ten pesos.

SEC. 31. Refusal to issue certificate. — The Board of Mechanical Engineering Examiners shall refuse to issue a certificate to any person convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude, or to any person of unsound mind. In the event of a refusal to issue certificate for any reason 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. 32. 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 unprofessional or dishonorable conduct: Provided, however, That the action of the Board shall be subject to appeal to the Secretary of Public Works and Communications whose decision shall be final.

It shall be sufficient ground for the revocation of a certificate issued under this Act, for unprofessional or dishonorable conduct, that he has (1) signed and affixed his seal on any plans, designs, technical reports, valuations, specifications, estimates, or other similar documents, or works not prepared by him or not executed under his immediate supervision, or (2) represented himself as having taken charge of, undertaken or supervised the design, construction, erection, installation, or alteration of a mechanical works, project or plant, without actually having done so; or (3) represented himself as having performed mechanical 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 a mechanical 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 and practices constituting sufficient cause for suspension or revocation of the certificates of 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 filed with the secretary of the Board.

SEC. 33. 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 of registration from a person whose certificate has been revoked, in the same manner as applications for original ones, and in doing so it may, in 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 five pesos shall be made for such issuance.

SEC. 34. Special permit. — The Board may, in its discretion and subject to the approval of the Secretary of Public Works and Communications, issue a special permit for the practice in a specified line, branch, or activity of mechanical engineering for a specified design, investigation or construction project or in a specified plant or organization to any person already holding a valid certificate of registration issued by any Board of engineering examiners in the Philippines, who shall, with his application, present evidence or other sufficient proof satisfactory to the Board indicating that he is competent to perform the service or line or activity for which he applies for said special permit, and that the issuance of such permit is necessary and of urgent importance and will not jeopardize the interest of any person duly registered for the practice of mechanical engineering under this Act.

A special permit may also be granted to any person who has been rendering satisfactory supervisory service, without any serious accident, in a regularly organized mechanical works, project or plant for a period of not less than three years prior to the approval of this Act, and shall have filed his application therefor within one year from the approval of this Act: Provided, however, That the Board may renew said special permit whenever necessary and not in conflict with the spirit of this Act.

Such special permit shall be subject to all the provisions and requirements of this Act and the rules and regulations adopted by the Board pertaining to certificates of registration, and may be suspended, revoked or reissued by the Board in the manner prescribed for certificates of registration. Any person who has been granted a special permit shall, for purposes of compliance with the provisions of this Act, be considered as registered in the Board of Mechanical Engineering Examiners, while said permit is still valid.

Every special permit shall automatically be void six months from the date of its issuance, unless expressly issued for a shorter period. No person shall hold more than one special permit at one time.

A fee of ten pesos shall be collected for the issuance of a special permit.

ARTICLE III. - Sundry Provisions Relative to the Practice of Mechanic Engineering

SEC. 35. Prohibitions in the practice of mechanical engineering; penal provisions. — Any person who shall practice, or offer to practice, mechanical engineering in the Philippines without being registered or exempted from registration in accordance with the provisions of this Act, or any person representing or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forced 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 or 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 his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a mechanical engineer or that he is registered under any of the grades enumerated in section eleven 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 one 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. 36. Field of action authorized for each grade; prohibitions. — It shall be unlawful for any person, unless exempted from registration under section fourteen of this Act:

(a) To be in responsible charge of the preparation of plans, designs, investigations, valuation, technical reports, specifications, or estimates, or to be in performance of other professional mechanical engineering service for any mechanical works, project or plant, either for himself or for others, unless he holds a valid certificate of registration as professional mechanical engineer.

(b) To be in responsible charge of the construction, erection, installation or alteration or of the performance of mechanical engineering service in connection with the manufacture, sale, supply or distribution of any mechanical equipment, machinery or process for any mechanical works, project or plant, either for himself or for others, unless he holds a valid certificate of registration as professional mechanical engineer or mechanical plant engineer.

(c) To operate, tend, or maintain, or be in charge of the operation, tending, or maintenance of any mechanical equipment, machinery or process for any mechanical works, project or plant of twenty horsepower or more but of less than two hundred horsepower, unless he holds a valid certificate of registration as professional mechanical engineer, plant engineer, junior mechanical engineer, or certified plant mechanic.

(d) To operate, tend, or maintain, or be in charge of the operation, tending or maintenance of any mechanical equipment, machinery, or process for any mechanical works, project or plant of two hundred horsepower or more, unless he holds a valid certificate of registration as professional mechanical engineer, or mechanical plant

engineer.

SEC. 37. Personnel required in mechanical plants. — Every mechanical works, project, or plant, in operation shall have not less than the following complement of resident engineers or mechanics duly registered under this Act:

- (a) Twenty horsepower or over but below two hundred horsepower, one certified plant mechanic, or one mechanical engineer of any rank;
- (b) Two hundred horsepower or over but below one thousand horsepower, one mechanical plant engineer or one professional mechanical engineer;

Provided, That every mechanical 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 certified plant mechanic or one mechanical engineer of any rank in charge of each and every additional shift.

- (c) Mechanical works, projects or plants of one thousand horsepower or more shall have at least one resident mechanical plant engineer or professional mechanical engineer, in charge of each shift.

SEC. 38. Preparation of plans and supervision of construction by registered engineers required. — It shall be unlawful for any person to order or otherwise cause the construction, erection, installation, or alteration of any mechanical equipment, machinery, or process for any mechanical works, project or plant of twenty horsepower or more, unless designs, plans, layouts, and/or specifications have been prepared under the responsible charge of, signed and sealed by a registered professional mechanical engineer, and unless the construction, erection, installation, and/or alteration thereof are executed under the responsible charge and direct supervision of a registered mechanical plant engineer, or a person exempt from registration under section (c) or (d) of section 14 of this Act.

SEC. 39. Application to firms and corporations. — A firm or a co-partnership, or a corporation, or an association may engage in the practice of mechanical engineering in the Philippines, provided only that such practice is carried on by professional mechanical engineers, or mechanical plant engineers, or junior mechanical engineers, or certified plant mechanics, holding valid certificates of registration issued by the Board.

In the case of a firm, co-partnership, corporation, association, society or company, the manager, administrator, or the person who has charge of the management or administration of the business shall be held personally liable for any violation of this Act.

SEC. 40. Posting of certificates. — The owner, manager or other person in charge of any mechanical works, project or plant of twenty horsepower or more, of a firm, co-partnership, corporation, or joint-stock association shall post or cause to be posted in a conspicuous place within such plant or other place of business, the certificate of registration of the engineer or engineers and of the certified plant mechanic or mechanics employed in such plant, in a frame protected by transparent glass or its equivalent.

SEC. 41. Roster of engineers and mechanics. — A roster showing the names and places of business of all registered professional mechanical engineers, mechanical plant engineers, junior mechanical engineers, or certified plant mechanics, shall be prepared by the Commissioner of Civil Service during the months of January and July of each year, commencing one year from the date this Act becomes effective. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of Public Works and Communications, and copies furnished to all Department Heads, to the Mayors of all chartered cities, to the Director of Public Works, to such other bureaus, governmental agencies, and municipal and provincial authorities as may be deemed necessary, and to the public upon request.

SEC. 42. Foreign reciprocity. — No foreign engineer or mechanic 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 mechanical engineers and/or mechanics to practice within its territorial limits on the same basis as the subjects or citizens of such country.

SEC. 43. Enforcement of the Act by officers of the law. — It shall be the duty of all duly constituted officers of the law, of the national government, of any provincial, city or municipal government or of any political subdivision thereof, to enforce the provisions of this Act and to prosecute any person violating same. The Secretary of Justice or his assistant shall act as legal adviser of the Board and render such legal assistance as may be necessary in carrying out the provisions of this Act.

SEC. 44. Act not affecting other professions. — This Act shall not be construed to affect or prevent the practice of any other legally recognized professions.

ARTICLE IV - Final Provisions

SEC. 45. The sum of two thousand pesos is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, to be disbursed by the Secretary of Public Works and Communications in accordance with the provisions of this Act, for the year nineteen hundred and thirty-eight. All sums collected in accordance with this Act shall be paid into the National Treasury as part of the general funds thereof: Provided, That, during the first twelve months of the operation of this Act, any portion of the sums collected may be used for the purposes of this Act to cover disbursements in excess of the amount appropriated therein.

SEC. 46. If any section or sections of this Act shall be declared unconstitutional or invalid, this shall not invalidate any other sections of this Act.

SEC. 47. All laws, parts of laws, orders, ordinances, or regulations in conflict with the provisions of this Act, including parts of Act Numbered Twenty-nine hundred and eighty-five, as amended, as pertain to the practice of mechanical engineering, shall be and are hereby repealed.

SEC. 48. This Act shall take effect upon its approval, except sections thirty-five to forty, inclusive, which shall take effect one year after this Act becomes effective.

Approved: June 9, 1938.

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