

AN ACT REGULATING THE PRACTICE OF SUGAR TECHNOLOGY OF THE PHILIPPINES

REPUBLIC ACT NO. 5197, April 27, 1968

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

ARTICLE I. Organization of Board SECTION 1. Definitions.—Unless otherwise specified the following terms used in this Act shall mean:

- (a) Sugar—Sugar in any of its recognized commercial forms derived from sugar cane or any sugar plant, including syrups, edible and fancy molasses, and any other form of liquid sugar and their by products: bagasse, molasses, and filter cake.

(b) Scope of the practice of sugar technology—The agronomy of sugar cane plants; analysis, synthesis and preparation of sugar; the manufacture, processing and refining of sugar; the industrial utilization of sugar and its by products; consultation work on problems involving the processing, manufacture, refining, or industrial utilization of sugar; and the teaching of professional courses in sugar technology.

(c) Sugar technologist—Any person who, for fee, salary or other compensation or reward to himself or to another person, renders professional service requiring the knowledge of sugar technology.

(d) Board—The Board of Examiners for Sugar Technologists created by this Act.

(e) Registration—The authority given by the Board to practice sugar technology.

(f) License—The authority given by the Board to a sugar mill, refinery, or factory engaged in the processing, manufacture, or refining of sugar or its by products,

SEC. 2. Creation and composition of the Board.—Within thirty days after the approval of this Act, there shall be created a Board of Examiners for Sugar Technologists to be composed of a Chairman and two members who shall be appointed by the President of the Philippines, upon the recommendation of the Commissioner of Civil Service from among registered sugar technologists of recognized standing in the Philippines as may be certified by the bona fide national professional organization or association of sugar technologists in the Philippines and possessing the qualifications prescribed in Section three of this Act: Provided, That the first Board of Examiners for Sugar Technologists to be created pursuant to this Act shall each be issued a certificate of registration as sugar technologist without prior examination in accordance with the provisions of this Act.

SEC. 3. Qualifications of Board Members.—Each member of the Board shall at the time of his appointment be:

- (1) A citizen of the Philippines and a resident thereof.

(2) At least thirty years of age.

(3) A duly registered sugar technologist in the Philippines, who has at least ten years experience in the practice of sugar technology previous to his appointment.

(4) Not a member of the faculty of any school, college or university where courses in sugar technology, sugar chemistry or sugar engineering, is taught, nor have pecuniary interest in such institution. The members of the first Board of Examiners for Sugar Technologists appointed under this Act shall be considered registered or licensed for the purpose hereof, and shall be issued upon payment of fifty pesos a certificate of registration in accordance with the provisions of this Act.

SEC 4. Term of office.—The members of the Board shall hold office for a term of three years after their respective appointments, or until their successors shall have been appointed and have 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. 5. Removal of Board Members.—The President of the Philippines may remove any member of the Board for continued neglect of duty or incompetency or for unprofessional or dishonorable conduct, after giving the member concerned an opportunity to defend himself in the proper administrative investigation.

SEC. 6. Powers vested in the Board.—The Board of Examiners for Sugar Technologists is vested with authority conformably with the provisions of this Act, to administer the provisions hereof, to issue, suspend and revoke certificates of registration, for the practice of sugar technology, and to administer oaths.

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

(b) The Board shall exercise the powers conferred upon it by this Act, evaluate academic courses or practical training in sugar technology, sugar chemistry and/or sugar engineering and shall make recommendation to the Secretary of Education who shall take appropriate action thereon to improve the educational standards in sugar technology; to inspect centrifugal sugar mills, refineries, or factories, schools and other educational institutions and, in general, to study conditions affecting the practice of sugar technology in the Philippines.

(c) Unless authorized by the other Boards of Examiners concerned in the exercise of the powers vested in them by law, no sugar laboratory, centrifugal sugar mill, sugar refinery, or factory engaged in the processing, manufacture, or refining of sugar and its by products shall operate without first obtaining a license from the Board of Examiners for Sugar Technologists.

SEC. 7. Meetings of the Board.—The Board shall hold at least one regular executive meeting but not more than four meetings every month to act on matters before it.

SEC. 8. Compensation of Members of the Board.—The Members of the Board shall each receive a compensation of not exceeding fifteen pesos for each applicant examined, and twenty pesos for each applicant granted a certificate of registration without examination. The members of the Board shall also receive a per diem of fifty

pesos for every executive meeting of the Board and actual and necessary expenses incurred in the inspection of educational institutions and sugar establishments provided in paragraph b, Section six hereof. Any sugar technologist in the employ of the Republic of the Philippines appointed as member of the Board shall also receive the compensation herein provided, as well as per diems for executive meetings of the Board and actual and necessary expenses for inspections of educational institutions and sugar factories. All fees shall be received by the officer designated by competent authority as collecting officer for the Civil Service Commission and such officer shall pay all authorized expenses provided by this Act to the members of the Board.

SEC. 9. Executive Officer and Secretary of the Board.— The Commissioner of Civil Service shall be the Executive Officer of the Board, and shall conduct the examinations given by the Board. The Secretary of the Boards of Examiners appointed under Republic Act Numbered Five hundred forty-six shall also be the Secretary of the Board of Examiners for Sugar Technologists. The Secretary shall keep an up-to-date register of sugar technologists authorized by the Board. All records and minutes of the deliberations of the Board, including examination papers, shall be kept by the Civil Service Commission under the custody of the Secretary.

SEC. 10. Annual Report.—The Board shall after the close of each fiscal year submit an annual report, through the Commissioner of Civil Service, to the President of the Philippines, giving detailed account of its proceedings during the year and making such recommendations as it may deem proper.

ARTICLE II. Registration and Examination

SEC. 11. Inhibition against the practice of sugar technology—Unless exempt from registration, or not subject to the requirements of this Act as provided in Section twenty-six hereof, no person shall practice or offer to practice sugar technology in the Philippines, without having previously obtained a certificate of registration from the Board.

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

- (a) Sugar technologists from other countries called in for consultations or for a project not requiring more than six months residence in the Philippines in any twelve months period: Provided, That such sugar technologists in their own state or country in which the requirement and qualifications for obtaining a certificate of registration are not lower than those specified in this Act.

(b) Foreigners employed as technical officers, professors, or consultants in such special branches of sugar technology as may, in the judgment of the Board, be necessary and indispensable for the country: Provided, That they are internationally recognized experts, that the work is confined to the specified employment and they do not engage in private practice.

SEC. 13. Examination required.—Except as otherwise specifically allowed under the provisions of this Act, all applicants for registration as sugar technologists shall be required to undergo the examinations provided in this Act.

SEC. 14. Qualification for examination.—Any person applying for examination and for a certificate of registration shall, prior to admission to examination, establish to the satisfaction of the Board that:

- (a) He is a citizen of the Philippines and at least twenty-one years of age;

(b) He is of good reputation and moral character; and

(c) He has graduated in sugar technology from a school, college or university recognized by the Government after completing a resident collegiate course leading to the degree of Bachelor of Science in Sugar Technology of not less than five years, or its equivalent baccalaureate degree. Three years of practical experience in sugar

technology may be considered as sufficient equivalent for every year of college education which experience must be acquired before the application for examination.

(d) Applicants below twenty-one years of age may be allowed to take the examination, but the certificate of registration shall be withheld until the candidate has reached the age of twenty-one years.

SEC. 15. Holding of Examination.—Examination shall be given once a year and on such working days and place as the Board may fix upon the recommendation of the Commissioner of Civil Service. Written or printed notice of such examination shall be published in newspapers and copies 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. 16. Scope of Examination.—The Sugar Technologist examination shall cover the following minimum requirements:

- I. Sugar cane agronomy
- II. Sugar Chemistry and chemical control
- III. Sugar engineering and instrumentation
- IV. Sugar manufacture and refining
- V. By-products utilization
- VI. Professional ethics for sugar technologists.

SEC. 17. Rules and regulations.—The Board shall, with the approval of the President of the Philippines and with the advice of the Commissioner of Civil Service, adopt rules and regulations governing the examinations and the standards to be attained in them, and shall promulgate such rules and regulations and a Code of Ethics for Sugar Technologists as may be necessary to effectively carry out the provisions of this Act.

SEC. 18. Report of rating.—The Board shall, within one hundred twenty days after the date of the completion of the examination, report the ratings obtained by each candidate through the Commissioner of Civil Service to the President of the Philippines for approval.

SEC. 19. Issuance of certificate.—Upon payment of the registration fee provided in this Act, the Board shall issue to examinees who obtained an average of seventy percent in the subjects listed in Section sixteen hereof and who have also satisfactorily met all the requirements specified in this Act the corresponding certificates of registration as sugar technologists.

Within two years after the approval of this Act, the Board shall, upon application, issue a certificate of registration as sugar technologist without examination to persons who have graduated with baccalaureate degree in sugar technology of not less than five years and have been in the practice as such graduate for at least five years prior to the enactment of this Act, or having graduated with an equivalent baccalaureate degree and have been in the practice of sugar technology for at least ten years prior to the enactment of this Act.

All certificates of registration issued under this Act shall show the full name of the registrants; shall have consecutive serial numbers; shall be signed by all the members of the Board; shall be attested by the Secretary of the Board, and shall be authenticated by the official seal of the Board.

SEC. 20. Fee for examination and registration.—Every applicant for examination shall pay an application fee of fifty pesos and every applicant for registration shall pay a registration fee of ten pesos: Provided, That any applicant for registration without examination as sugar technologist shall pay a fee of sixty pesos: Provided, further, That any applicant for exemption from registration shall pay a fee of fifty pesos.

SEC. 21. Suspension and revocation of certificate.—The Board shall have the power, upon proper notice and hearing, to suspend or revoke any certificate of registration or exemption from registration of any registrant in any case involving the use or perpetration of any fraud or deceit in having obtained a certificate of registration, or for violation of any of the provisions of the rules and regulations, or of the Code of Ethics for Sugar Technologists, or for gross negligence or incompetency, or for unprofessional or dishonorable conduct.

SEC. 22. Reissue of revoked certificate or replacement of lost certificate.—After the expiration of one year from the date of revocation of a certificate of registration and after the payment of twenty pesos the Board may, for good and sufficient reasons, entertain an application for a new certificate of registration, and, in its discretion exempt the application from undergoing another examination.

ARTICLE III. Sundry Provisions Relative to Practice of Sugar Technology

SEC. 23. Penal Provisions.—Any person who shall practice sugar technology 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 of another, or any person who shall give any false or fraudulent evidence of any, kind to the Board or to any member thereof in obtaining a certificate of registration, or any person who shall attempt to use a revoked or suspended certificate of registration, or any person who shall in connection with his name or otherwise, assume, use or advertise any title or description tending to convey the impression that he is a sugar technologist without holding a valid certificate of registration, or any person who shall violate any provision of this Act, or any person or corporate body who shall violate any of the rules and regulations or orders promulgated by the Board for the purpose of carrying out the provisions of this Act, shall, upon conviction, be sentenced to pay a fine of not less than two hundred pesos nor more than two thousand pesos or to suffer imprisonment for a period of not exceeding six months, or both, in the discretion of the court.

SEC. 24. Application to firms or corporations.—A firm, co-partnership, corporation, or association, may engage in the practice of sugar technology in the Philippines: Provided, That such practice is carried on by sugar technologists in their employ having valid certificates of registration issued by the Board.

In case of a firm, co-partnership, corporation, or association, 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 any provision of this Act.

SEC. 25. Posting of certificate of registration.—The owner, manager, or other person in charge of any sugar laboratory, centrifugal sugar mill, sugar refinery, or factory engaged in the processing or manufacture of sugar and its by-products shall post or cause to be posted in a conspicuous place within such laboratory, mill, refinery, or factory, the certificates of registration of the sugar technologists employed therein.

SEC. 26. Act not affecting other professions.—Any person who has passed the corresponding Board examination for the practice of a profession already regulated by existing law shall not be subject to the provisions of this Act if in the practice thereof he has to perform work or services regulated by this Act.

ARTICLE IV. Final Provisions

SEC. 27. Reciprocity requirements.—A foreign sugar technologist who is a permanent resident shall be admitted to examination, or be given a certificate of registration, or be entitled to any of the rights and privileges granted under this Act, if the country or state of which he is subject or citizen does not prohibit Filipino sugar technologists to practice within its territorial limits.

SEC. 28. Repeal of laws.—All laws, orders or regulations in conflict with the provisions of this Act are hereby

repealed.

SEC. 29. Effectivity.—This Act shall take effect upon its approval.

Enacted without Executive approval, April 27, 1968.

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