NATIONAL ADMINISTRATIVE REGISTER · MAY 11, 2000

REVISING RESOLUTION NO. 17, SERIES OF 1998 OF THE BOARD OF CIVIL ENGINEERING (RE: RULES AND REGULATIONS PROVIDING FOR THE PROCEDURE FOR THE REGISTRATION AND/OR ISSUANCE OF TEMPO...

BOARD OF CIVIL ENGINEERING RESOLUTION NO. 23, S. OF 2000, May 11, 2000

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WHEREAS, Article XII of the Philippine Constitution provides that "The practice of all professions in the Philippines shall be limited to Filipino citizens, save in cases prescribed by law".

WHEREAS, Section 5(j) of Presidential Decree No. 223, entitled "Creating the Professional Regulation Commission and Prescribing its Power and Functions", allows the issuance of certificates of registration without examination to foreign professionals through reciprocity, as follows:

> "The Commission may, upon recommendation of the Board concerned, approve the registration of and authorize the issuance of a certificate of registration with or without examination to a foreigner who is registered under the laws of his country: Provided, That the requirements for the registration or licensing in said foreign state or country are substantially the same as those required and contemplated by the laws of the Philippines and that the laws of such foreign state or country allow the citizens of the Philippines to practice the profession on the same basis and grant the same privileges as the subjects or citizens of such foreign state or country: Provided, further, That the applicant shall submit competent and conclusive documentary evidence, confirmed by the Department of Foreign Affairs showing that his country's existing laws permit citizens of the Philippines to practice the profession under the rules and regulations governing citizens thereof: Provided, finally, That the Commission may, upon recommendation of the Board concerned, and approval of the President, authorize the issuance of a certificate of registration without examination or a temporary special permit to practice the profession to any foreigner regardless of whether or not reciprocity exists in the practice of his profession between his country and the Philippines and under such conditions as may be determined by the Commission, if such foreigner is internationally known to be an outstanding expert in his chosen profession or a well-known specialist in any of its branches, and that his services are urgently necessary either for lack or inadequacy of local experts or if his services will promote the advancement of the profession in the Philippines. The Commission is also hereby authorized to prescribe additional requirements or grant certain privileges to foreigners seeking registration in the Philippines if the same privileges are granted to or some additional requirements are required of citizens of the Philippines in acquiring the same certificates in his country."

WHEREAS, Section 25 of Republic Act No. 544, as amended, entitled "An Act to Regulate the Practice of Civil Engineering in the Philippines", allows foreign civil engineers to be registered in the Philippines through reciprocity, as follows:

> "Reciprocity requirements — No person who is not a citizen of the Philippines at the time he applies to take the examination shall be allowed to take it unless he can prove in the manner provided by the Rules of Court that, by specific provision of law, the country of which he is a citizen, subject or national either admits citizens of the Philippines to the practice of the same profession without restriction or allows them to practice it after an examination on terms of strict and absolute equality with citizens, subjects, or nationals of the country

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concerned, including the unconditional recognition of degrees issued by the institutions of learning duly recognized for the purpose by the Government of the Philippines: x x x."

WHEREAS, in addition to reciprocity, Section 15(1) of Republic Act No. 544, as amended, supra, allows foreigners to practice civil engineering under certain conditions, as follows:

"Exemption from registration — (1) Registration shall not be required of the following persons:

(a) Officers or enlisted men of the United States and Philippine Armed Forces, and civilians employees of the Government of the United States stationed in the Philippines while rendering civil engineering services for the United States and/or Philippines.

(b) Civil Engineers or experts called in by the Philippine Government for consultation, or specific design and construction of fixed structures as defined under this Act, provided that their practice shall be limited to such work. x x x"

WHEREAS, Republic Act No. 6957 (as amended by R.A. No. 7718), entitled "An Act Authorizing the Financing, Construction, Operation and Maintenance of Infrastructure Projects by the Private Sector, and for Other Purposes; Republic Act No. 7916, otherwise known as the "Special Economic Zone Act of 1995"; Republic Act No. 7227 (as amended by R.A. No. 7917), otherwise known as the "Bases Conversion and Development Act of 1992" and Republic Act No. 7042 (as amended by R.A. No. 8179), otherwise known as the "Foreign Investments Act of 1991" allow foreign parties who invest in the Philippines through contracts with the Government to bring in foreigners to work in enterprises, projects and/or undertakings where said foreign parties have invested.

WHEREAS, Republic Act No. 5181 requires three (3) years of residence in the Philippines before a foreigner can practice his profession.

WHEREAS, Section 4 of Republic Act No. 544, as amended, supra, gives the Board of Civil Engineering the power to issue such rules and regulations as may be deemed necessary to carry out the provision of the Act.

WHEREAS, the Professional Regulation Commission in Resolution No. 98-547, issued on January 20, 1998, prescribed and promulgated guidelines for the observance of the various Professional Regulatory Boards in issuing rules and regulations for the registration and/or issuance of temporary special permits to foreign professional who are allowed to practice their professions in the Philippines by Republic Act No. 544, as amended, P.D. No. 223, other existing laws, and international conventions or agreements in which the Philippines is a party or signatory or to which the Philippines has acceded to.

WHEREFORE, the Board RESOLVED, as it hereby RESOLVES, to prescribe and adopt the following rules and regulations governing the implementation of the provisions of the above-cited laws and international conventions and/or agreements allowing foreign civil engineers to practice their profession in the Philippines and the procedures that shall be followed in the registration and/or issuance of temporary special permits to foreign civil engineers found qualified to practice civil engineering in the Philippines.

SEC. 1. Foreign Reciprocity — Foreigners wishing to engage in the practice civil engineering in the Philippines on the basis of foreign reciprocity shall, before engaging in such practice, secure a Certificate of Registration from the Professional Regulation Commission through the following process:

(a) If not qualified for a Certificate of registration without examination, the foreigner shall file an application for permission to take the examination, in the prescribed form, with the Board of Civil Engineering, accompanied by the following documents/information:

1. Personal Data Sheet, under oath, containing such information as: name of applicant, place and date of birth, nationality, profession, status of stay, situs of practice, nature of work, name of employer (if employed, or

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offered employment), civil status, educational qualification, experience and other analogous or similar data/information;

2. Competent and conclusive documentary evidence, authenticated by the Department of Foreign Affairs, showing that the existing laws of the applicant's country/state allows foreign citizens (Filipino citizens included) to practice civil engineering in the applicant's country/state on terms of strict and absolute equality with citizens of that country/state;

3. Certification by the Bureau of Immigration that the applicant has resided in the Philippines for at least three (3) years when he filed the application, and a statement that as per their record applicant did not commit any act contrary to Philippine law; and

4. Competent and conclusive documentary evidence showing that the applicant's country/state gives/grants unconditional recognition of prerequisite degrees issued by institutions of learning duly recognized by the Republic of the Philippines.

(b) If qualified for a Certificate of Registration without examination, the foreigner shall file an application to register in the prescribed form, with the Board, accompanied by the documents in (a) 1, 2, 3, 4 and in addition:

5. Submit authentic or authenticated copy of document showing that the applicant is a registered civil engineer and licensed to practice as civil engineer in his country/state; and

6. Submit copy of law, authenticated by the Department of Foreign Affairs, showing that foreign citizens (Filipino citizens included) are allowed to practice civil engineering in the applicant's country/state without the requirement of licensure examination.

(c) The Board shall evaluate the application for permission to take examination or application to register to determine the following:

1. Whether the laws of the applicant's country/state allow the citizens of foreign citizens (Filipino citizens included) to practice civil engineering on the same basis and grant the same privileges as the subjects or citizens of such foreign country/state;

2. Whether the laws of the applicant's country/state permit foreign citizens (Filipino citizens included) to practice civil engineering without the requirement of licensure examination;

3. Whether the requirements for the registration or licensing in the applicant's country/state are substantially the same as those required and contemplated by the laws of the Philippines;

4. Whether the applicant is a registered civil engineer and is licensed to practice civil engineering in his country/state;

5. Whether the applicant has resided in the Philippines for at least three (3) years when he filed the application; and

6. Whether the applicant's country/state gives unconditional recognition of prerequisite degrees issued by institutions of learning duly recognized by the Government of the Republic of the Philippines.

(d) If all of the requirements in (c) except (c) 3 and 5 above are satisfied, the Board shall recommend approval of the application to take the examination to the Commission.

(e) Upon approval by the Commission, the applicant will be allowed to take the examination and, if successful, the applicant shall be allowed to register as a civil engineer and issued a Certificate of Registration.

(f) If all the requirements in (c) above are satisfied, the Board shall recommend to the Commission the issuance of a Certificate of registration without examination.

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(g) In the cases of those covered by (e) and (f) above, the names of the foreign professionals shall be entered/enrolled in the roll of civil engineers and shall be issued the corresponding professional licenses.

SEC. 2. Foreign Civil Engineers Brought in by the Philippine Government Under Section 15-1(b) of R.A. No. 544, as Amended — Foreigners brought in by the Government by and under the authority of law whose duties, responsibilities and functions include engaging in the practice of civil engineering shall, before engaging in such practice, secure a Temporary Special Permit from the Commission, through the following process:

(a) On behalf of the foreign civil engineer, the government agency or instrumentality availing of the services of the foreign civil engineer shall file the application for a Temporary Special Permit, in the prescribed Form, with the Board of Civil Engineering, accompanied by the following documents/information:

1. Personal Data Sheet under oath, containing such information as: name of applicant, place and date of birth, nationality, profession, status of stay, situs of practice, nature of work, government agency involved, civil status, educational qualification, experience and other analogous or similar data/information;

2. Authentic or authenticated copy of document showing that the applicant is a registered civil engineer and is licensed to practice civil engineering in his country/state;

3. Certification of the government agency or instrumentality availing of the services of the foreign civil engineer that the applicant has been brought in by the Government;

4. Authentic or authenticated copies of the terms and conditions of the Government's employment offer to the applicant indicating the qualifications needed for the position, description of duties, functions and responsibilities, length of employment and other similar or analogous data/information; and

5. A detailed plan on transfer of technology including the names of participating Filipino professionals, firms, associations or organizations, with the nature and degree of their involvement.

(b) The Board shall evaluate the application for Temporary Special Permit to determine the following:

1. Whether the applicant has been brought in by the Government:

2. Whether the applicant is a registered civil engineer and is licensed to practice civil engineering in his country/state; and

3. Whether there is a viable plan for transfer of technology.

(c) If all of the requirements in (b) above are satisfied, the Board shall recommend to the Commission the approval of the issuance of a Temporary Special Permit, stating the scope and limitations of such Permit, including the term/period thereof. Temporary Special Permit shall be issued to the foreign professional within ten (10) working days from date the application was filed: provided, however, that if the application has not been acted within the ten (10) day period, the same shall be considered approved.

(d) Upon approval by the Commission, the applicant's name will be enrolled/entered in the roster of foreign professionals granted a Special Temporary Permit, with the scope and limitations stated in the Permit.

(e) To facilitate the issuance of Temporary Special Permits to foreigners brought by the Government, the Commission and the Board shall coordinate with concerned government agencies, such as the National Economic and Development Authority, Department of Labor and Employment, Department of Foreign Affairs, Department of Finance, Bureau of Immigration, and the various agencies/instrumentalities including government-owned and controlled corporations, engaging the services of foreign professionals by authority of law, in order that the issuance of such permits shall be part of the standard procedure for the engagement of foreign civil engineers by the Government.

SEC.3. Internationally Known Experts or Specialists — Foreigners who are internationally known to be outstanding experts in civil engineering or well-known specialists in any of its branches wishing to practice civil engineering in the Philippines regardless of whether or not reciprocity exists in the practice of his profession between his country/state and the Philippines shall, before engaging in such practice, apply for the issuance of a Certificate of Registration without examination, or secure a Temporary Special Permit from the Commission, through the following process:

(a) A foreigner wishing to practice in the Philippines as an expert in civil engineering or a specialist in any of its branches shall file an application for the issuance of a Certificate of registration without examination or for the issuance of a Special Temporary Permit, in the prescribed Form, with the Board of Civil Engineering accompanied by the following documents/information:

1. Personal Data Sheet, under oath, containing such information as: name of applicant, place and date of birth, nationality, profession, status of stay, situs of practice, nature of work, name of employer (if employed or offered employment), civil status, educational qualification, experience and other analogous or similar data/information;

2. Authentic or authenticated copy of document showing that the applicant is a registered civil engineer and is licensed to practice civil engineering in his country/state;

3. Certification by the Philippine Institute of Civil Engineers that the applicant is an internationally known expert in civil engineering or a well-known specialist in any of its branches; that his services will promote the advancement of civil engineering in the Philippines; and that his services are urgently necessary for lack or inadequacy of local experts;

4. Authentic or authenticated copies of the terms and conditions of the employment offer to the applicant indicating the qualifications needed for the position, description of duties, functions and responsibilities, length of employment and other similar or analogous data/information; and

5. A detailed plan of transfer of technology, including the names of participating Filipino professionals, firms, or associations or organization, with the nature and degree of their involvement.

(b) In the case of foreign civil engineers who apply for the issuance of a Certificate of Registration without examination, the application shall, in addition to the documents in (a), be accompanied by a Certification of the Bureau of Immigration that the applicant has resided in the Philippines for at least three (3) years when he filed the application.

(c) The Board shall evaluate the application for Certificate of Registration or Temporary Special Permit to determine the following:

1. Whether the applicant is a registered civil engineer and is licensed to practice civil engineering in his country/state;

2. Whether the applicant is an internationally known expert in civil engineering or a well-known specialist in any of its branches;

3. Whether the services of the applicant will promote the advancement of civil engineering in the Philippines;

4. Whether there is a lack or inadequacy of local experts in the particular branch of civil engineering concerned; and

5. Whether there is a viable plan on transfer of technology.

(d) If all of the requirements in (c) above are satisfied, the Board shall recommend approval of the application to

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the Commission, indicating in the recommendation whether the recommended action of the Commission is for the issuance of a Certificate of Registration without examination or the issuance of a Temporary Special Permit, stating the scope and limitations of such permit, including its term or period.

(e) After its review and approval, the Commission shall submit the recommendation of the Board to the Office of the President, for the President's approval.

(f) Upon approval by the President, the name of the applicant shall be enrolled/entered in the roster of foreign civil engineers issued a Certificate of Registration without examination or in the roster of foreign civil engineers granted a Temporary Special Permit, within the scope and limitations stated in the Permit.

SEC. 4. Foreign Civil Engineers Brought in the Philippines by Foreign Parties Who Invest in the Philippines — Foreigners brought in by foreign parties who invest in the Philippines through contracts with the Government, and who by law are allowed to bring in foreigners to work in enterprises where said foreign parties have invested, and whose duties, responsibilities and functions include engaging in the practice of civil engineering, shall, before engaging in such practice, secure a Temporary Special Permit from the Commission through the following process:

(a) On behalf of the foreign civil engineer, the government agency or instrumentality in contract with the foreign party employing the foreign civil engineer, shall file the application for the issuance of a Temporary Special Permit, in the prescribed Form, with the Board of Civil Engineering, accompanied by the following documents/information:

1. Personal Data Sheet, under oath, containing such information as: name of applicant, place and date of birth, nationality, profession, status of stay, situs of practice, nature of work, name of employer (if employed or offered employment), civil status, educational qualification, experience and other analogous or similar data/information:

2. Authentic or authenticated copy of document showing that the applicant is a registered civil engineer and is licensed to practice civil engineering in his country/state;

3. Certification of the government agency or instrumentality in contract with the foreign party employing the foreign civil engineer, that the applicant has been brought in by a foreign party that has invested in the Philippines and that such foreign party is allowed by law to bring in foreign civil engineers to work in enterprises where such foreign party has invested; and

4. Authentic or authenticated copies of the terms and conditions of the employment offer to the applicant indicating the qualifications needed for the position, description of duties, functions and responsibilities, length of employment and other similar or analogous data/information.

(b) The Board shall evaluate the application for Temporary Special Permit to determine the following:

1. Whether the applicant is a registered civil engineer and is licensed to practice civil engineering in his country/state;

2. Whether the applicant has been brought in by a foreign party that has invested in the Philippines and whether such foreign party is allowed by law to bring in foreign civil engineers to work in enterprises where such foreign party has invested.

(c) If the requirements in (b) above are satisfied, the Board shall recommend to the Commission the issuance of a Temporary Special Permit stating the scope and limitations of such permit, including its terms or period. Temporary Special Permit shall be issued to the foreign professional within ten (10) working days from date the application was filed: provided, however, that if the application has not been acted upon within the ten (10) day

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period, the same shall be considered approved.

(d) Upon approval by the Commission, the applicant's name shall be enrolled/entered in the roster of foreign professional granted a Temporary Special Permit, with the scope and limitations stated in the Permit.

SEC. 5. Foreign Civil Engineers Allowed to Practice Under International Conventions or Agreements — Foreign civil engineers desiring to practice civil engineering in the Philippines under international conventions or agreements allowing foreign civil engineers to practice their profession in the Philippines shall, before engaging in such practice, secure a Temporary Special Permit from the Commission through the following process:

(a) The foreigner shall file an application for a Temporary Special Permit in the prescribed Form, with the Board of Civil Engineering, accompanied by the following documents/information:

1. Personal Data Sheet, under oath, containing such information as: name of applicant, place and date of birth, nationality, profession, status of stay, situs of practice, nature of work, name of employer (if employed or offered employment), civil status, educational qualification, experience and other analogous or similar data/information;

2. Authentic or authenticated copy of document showing that the applicant is a registered civil engineer and is licensed to practice civil engineering in his country/state;

3. Copy of international convention or agreement authenticated by the Department of Foreign Affairs to which the Philippines is a party or has acceded, being invoked by applicant in his application;

4. Such other documents which, by the terms or provisions of the international convention or agreement, are required to be submitted;

5. If by the terms or provisions of the international convention or agreement, reciprocity is required, the applicant shall submit the documents adverted to in Section 1 (a) 2, 3, and 4.

(b) The Board of Civil Engineering shall direct the submission of additional documents as may be required by the provisions of the international convention or agreement.

(c) The Board shall evaluate the application for Temporary Special Permit to determine the following:

1. Whether the applicant is a registered civil engineer and is licensed to practice civil engineering in his country/state;

2. Whether the international convention or agreement being invoked by the applicant allows the applicant to practice civil engineering in the Philippines;

3. Whether the applicant has submitted all documents which, by the terms or provisions of the international convention or agreement, are required to be submitted.

(d) If all of the requirements in (c) above are satisfied, the Board shall recommend to the Commission the issuance of Temporary Special Permit, stating the scope and limitations of such permit, including its term or period.

(e) Upon approval by the Commission, the name of the applicant shall be enrolled/entered in the roster of foreign civil engineers granted a Temporary Special Permit, with the scope and limitations stated in the Permit.

SEC. 6. Engagement of Foreigners — Any private or government official, who shall knowingly engage a foreigner to practice civil engineering in the Philippines who has not been given a Certificate of Registration or Temporary Special Permit by the Board and the Commission, shall be prosecuted and meted with administrative and penal sanctions, but the latter shall be imposed only upon the responsible officers if it is a juridical person who engages

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such foreigner, as may be provided by law.

SEC. 7. Repealing Clause — Resolution No. 17 Series of 1998 of the Board is hereby repealed.

SEC. 8. Effectivity — This Resolution shall, upon approval by the Professional Regulation Commission, take effect after fifteen (15) days following the completion of its full publication in the Official Gazette or in a newspaper of general circulation in the Philippines, whichever is earlier.

Adopted: 11 May 2000

(SGD.) ANGEL L. LAZARO III
Chairman

(SGD.) RIZAL ALBERTO C. NOLIDO
Member

(SGD.) LEOVIGILDO S. VEROY
Member

ATTESTED:

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

Approved by the Professional Regulation Commission as part of the Rules and Regulations of the Board of Civil Engineering:

(SGD.) HERMOGENES P. POBRE
Commissioner

(SGD.) ALFONSO G. ABAD
Associate Commissioner

(SGD.) AVELINA DE LA REA-TAN
Associate Commissioner

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