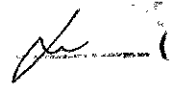


FOURTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
Second Regular Session }

8 SEP 11 12 03

SENATE

RECEIVED BY



S. B. No. 2613

Introduced by SENATOR EDGARDO J. ANGARA

Explanatory Note

Building a strong Science & Technology foundation is necessary for the country to push forward and become competitive on the global stage. Science and Technology, however, is not given utmost attention in relation to its role in the progress of our country,

Chemistry is an integral component of S&T, and sadly, the Philippines has been slow in adapting to changes which are brought about by the rise of international standards and global competition. Recent developments and innovations in the field have underscored the urgency of repealing the decade – old Republic Act 754 otherwise known as the “Chemistry Law”.

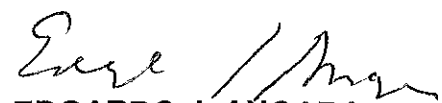
Thus, it is imperative for the country to enact a responsive policy instrument that is responsive to the demands of the profession and global competitiveness trends.

The “Chemistry Law of 2008” seeks to emphasize the role of chemistry in national development by promoting and protecting the interests of chemistry profession. It also aims to elevate the standards of the profession by strengthening the promotion, regulation and measures for continued development in the field. Furthermore, this bill is geared towards the following general objectives:

- Promoting chemistry as a scientific and academic endeavor and
- Regulating the practice of chemistry as applied to public safety, public interest and national economy.

These efforts would ultimately lead to a globally-competitive practice of chemistry in the Philippines, thereby, ensuring the country’s competitiveness on the global stage.

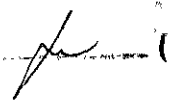
Approval of this bill is earnestly sought.


EDGARDO J. ANGARA
Senator

FOURTEENTH CONGRESS OF THE }
REPUBLIC OF THE PHILIPPINES }
Second Regular Session }

8 SEP 11 2008

SENATE

RECEIVED BY 

S. B. No. 2613

Introduced by SENATOR EDGARDO J. ANGARA

**AN ACT TO REGULATE AND MODERNIZE THE PRACTICE OF CHEMISTRY
IN THE PHILIPPINES, REPEALING FOR THE PURPOSE R.A. 754
ENTITLED "AN ACT TO REGULATE THE PRACTICE OF
CHEMISTRY IN THE PHILIPPINES,
AND FOR OTHER PURPOSES"**

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

ARTICLE I

1 **SECTION 1. Title** - This act shall be known as the "Chemistry Law of 2008."
2

3 **SECTION. 2. Declaration of Policy.** - Because Chemistry is vital to public
4 safety, the national economy, and the protection of the environment, it is the
5 policy of the State to promote, regulate and protect the professional practice of
6 chemistry in the Philippines, and to ensure the continued development and high
7 international standard of the practice of Chemistry in the Philippines.
8

9 **SECTION 3. Definition of Terms.** The following terms used in this Act shall be
10 defined as follows:
11

12 (a) **Chemistry.** The study, analysis, modification and calculation of physico-
13 chemical or biochemical properties of matter. It includes the atomic,
14 molecular, surface and supramolecular composition and structure of
15 matter, properties and reactions, the changes which matter undergoes,
16 the energy involved, and the conditions under which such changes occur.
17

18 (b) **Registered Chemist.** Any person who is engaged in the professional
19 practice of chemistry, as defined herein, must be a Registered Chemist
20 who shall be duly registered with the Board of Chemistry and the
21 Professional Regulation Commission. A Registered Chemist shall have
22 the authority to undertake the professional practice of chemistry.

1 (c) **Registered Chemical Analyst.** Any person who is engaged in the work of
2 Chemical Analysis, as defined herein, shall be duly registered with the
3 Board of Chemistry.

4
5 (d) **Chemical analysis** refers to any physico-chemical or biochemical
6 technique which includes the following, and related techniques:

- 7 i. measurement of properties, such as pH, oxidation-reduction
8 potential, density, atomic or molecular weight, and others;
- 9 ii. use of methods, such as titration, gravimetric analysis,
10 electrochemical measurements, spectroscopy, chromatography,
11 and others;
- 12 iii. determination of the atomic or molecular quantity of one or more
13 components of a substance;
- 14 iv. determination of the atomic, molecular, surface or supramolecular
15 nature or structure of a substance;
- 16 v. separation and/or purification of a mixture into its components using
17 techniques, such as distillation, crystallization, density, reactivity,
18 extraction, adsorption, size exclusion, affinity, chromatography, and
19 others;
- 20 vi. calculations of physico-chemical or biochemical properties or
21 concentrations of chemicals or biochemicals;
- 22 vii. computational methods applied to chemically- or biochemically-
23 related matters, such as molecular design, molecular modeling,
24 chemometrics, and others; and
- 25 viii. other analytical methods which characterize matter at the atomic,
26 molecular, surface or supramolecular level.

27
28 (e) **Chemical synthesis** shall mean the preparation of a compound or
29 chemical entity from its elements or from other compounds or chemical
30 entities, by one or more chemical reactions. Synthesis as defined here
31 refers to both chemical synthesis, which may use chemical catalysts, and
32 biochemical synthesis, which uses enzymes and other biological
33 compounds to promote a reaction.

34
35 (f) **Chemical laboratory** shall mean a facility where activities described in
36 Sections 3d and 3e are performed. Such activities carried out outside of a
37 chemical laboratory, for example, a factory, mobile laboratory, or field
38 analysis, are also covered.

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(g) **Green Chemistry** shall mean the various measures which aim to mitigate the impact of chemicals on the environment using principles of atom balance, energy efficiency, pollution prevention, and the like.

SECTION. 4. Scope of the Professional Practice of Chemistry. The professional practice of chemistry covers the performance of a service related to the public interest, public safety, legal or regulatory matters. The following and similar activities shall be the functions of the Registered Chemist:

1. Performance of an analysis or synthesis;
2. Certification of an analysis or synthesis;
3. Inspection of a laboratory with respect to its chemical or biochemical activities;
4. Certification of a laboratory with respect to its chemical or biochemical activities;
5. Supervision of a laboratory;
6. Supervision of an analysis or synthesis, whether or not this is performed in a laboratory;
7. Teaching, lecturing and reviewing of a professional chemistry subject in the curriculum of the Bachelor of Science in Chemistry degree or a subject in the chemistry licensure examination given in any college, university, or training or review center, or any other educational institution or certification body;
8. Consultation or investigation, research concerning physico-chemical or biochemical matters which involve the public interest, public safety, laws or regulations. For purposes of this Act, the Registered Chemist must affix his signature, license number and official seal to any certification report which he/she submits;
9. Sale of chemicals, chemical apparatus, or chemical equipment;
10. Supervision of the sale of chemicals, chemical apparatus, or chemical equipment; and
11. Functions related to the application of Green Chemistry, such as chemical waste management, pollution control, and the like.

The Chemistry Board, subject to approval by the Commission, may revise, exclude from or add to the above-enumerated acts or activities as the need arises to conform to the latest trend in the practice of the profession.

1 **SECTION 5. *Scope of the Professional Practice of Chemical Analysis.*** The
2 scope of the practice of Chemical Analysis shall be limited to the performance of
3 physico-chemical or biochemical analysis, chemical or biochemical synthesis,
4 and sale of chemicals, chemical apparatus, or chemical equipment, provided that
5 such activities are under the supervision of a Registered Chemist. The Chemical
6 Analyst must affix his signature and license number to the report of a chemical
7 analysis or synthesis which he has performed.

8 9 **ARTICLE II**

10 **PROFESSIONAL REGULATORY BOARD OF CHEMISTRY**

11
12 **SECTION 6. *Composition of the Board.*** - There is hereby created a
13 Professional Regulatory Board of Chemistry, hereinafter referred to as the Board,
14 which shall be composed of a Chairperson and two (2) Members under the
15 administrative control and supervision of the Professional Regulation
16 Commission, hereinafter referred to as the Commission. They shall be appointed
17 by the President of the Philippines from a list of three (3) recommendees for each
18 position ranked by the Commission from a list of five (5) nominees for each
19 position submitted by the accredited professional organization of Chemists.

20
21 **SECTION 7. *Powers and Duties of the Board.*** - The Board shall have the
22 following powers and duties:

- 23
24 (a) To supervise and regulate the practice of the chemistry profession in the
25 Philippines in accordance with the provision of this Act;
- 26 (b) To determine the requirements and evaluate the qualifications of the
27 applicants for registration and renewal of license of Registered Chemists
28 and Registered Chemical Analysts;
- 29 (c) To prescribe the subjects in the licensure examination; determine the
30 syllabi of the subjects and their relative weights; construct the test
31 questions in the examinations; and submit the examination results to the
32 Commission;
- 33 (d) To issue, together with the Commission, Certificates of Registration to
34 persons admitted to the practice of the professions of Chemistry and
35 Chemical Analysis;
- 36 (e) To oversee the conduct of the Continuing Professional Education (CPE)
37 program for the professional Chemists and Chemical Analysts;

- 1 (f) To determine, in consultation with the APO, private industry, and relevant
2 government agencies, the requirements of chemistry laboratories, both
3 private and government, and other entities engaged in the practice of
4 Chemistry for registration or renewal of permit, and to issue, together with
5 the Commission, the Certificate of Authority to Operate to those which
6 satisfy the said requirements;
- 7 (g) The Board may conduct on-site inspection of chemistry laboratories and
8 other entities engaged in the practice of Chemistry, and may seek the
9 assistance of the APO in order to carry out these functions;
- 10 (h) To inquire into the conditions affecting the practice of the profession and
11 adopt measures for the enhancement and maintenance of high
12 professional, ethical and technical standards.
- 13 (i) To adopt and promulgate the Code of Ethics and Code of Good
14 Governance for the practice of Chemistry;
- 15 (j) To issue *subpoena testificandum* or *subpoena duces tecum* to secure the
16 attendance of witnesses or the production of documents in connection
17 with any administrative case before the Board;
- 18 (k) To hear and decide administrative cases filed against chemists, chemical
19 analysts, and the owners and administrators of chemical laboratories. The
20 hearing shall be presided over by the Chairperson or a Member of the
21 Board with the assistance of an attorney of the Commission. Any decision
22 should be concurred in by a majority of the Board. The decision of the
23 Board may be appealed to the Commission within fifteen (15) days from
24 notice, otherwise such decision shall be final and executory;
- 25 (l) To administer oaths in connection with the performance of its function;
- 26 (m) To adopt the implementing rules and regulations of this Act; and
- 27 (n) To perform such other functions as may be necessary in order to
28 implement the provisions of this Act.

29
30 **SECTION 8. *Qualification of the Board Chairperson and Members.*** - The
31 Chairperson and Members of the Board shall have the following qualifications:

- 32 (a) A citizen and resident of the Philippines;
- 33 (b) Of good moral character and of sound mind;
- 34 (c) A holder of at least a Master's degree in Chemistry conferred by a
35 chemistry institution recognized by the Commission on Higher Education,
36 or by a reputable foreign university;
- 37 (d) A Registered Chemist who has been in active practice for at least ten (10)
38 years;

- 1 (e) Not have any pecuniary interest, directly or indirectly, in any higher
2 educational institution conferring an academic degree necessary for
3 admission to the practice of chemistry or where review classes in
4 preparation for the licensure examination are being offered or conducted;
5 nor should he be a member of the faculty or administration thereof;
- 6 (f) A member in good standing of the APO;
- 7 (g) Not an officer or trustee of the APO; and
- 8 (h) Not convicted by a court of competent jurisdiction of an offense involving
9 moral turpitude.

10

11 **SECTION 9. *Term of Office.*** – The Chairperson and Member of the Board shall
12 hold office for a term of three (3) years from the date of appointment or until their
13 successors shall have qualified and shall have been appointed. They may be
14 reappointed for another term of three (3) years immediately after the expiry of
15 their term; provided, not more than two (2) terms or not more than six (6) years,
16 whichever is longer; further the first board under this Act shall hold these terms
17 of office: The Chairperson for three (3) years, the first member for two (2) years
18 and the second member for one (1); provided furthermore, any appointee to a
19 vacancy with an unexpired period shall only serve such period. The Chairperson
20 and the Members shall duly take their oath of office.

21

22 **SECTION 10. *Compensation of the Board.*** - The Chairperson and Members of
23 the Board shall receive such compensation and allowances comparable to that
24 being received by the Chairperson and Members of other professional regulatory
25 boards under the Commission as provided for in the General Appropriations Act.

26

27 **SECTION 11. *Custodian of Records, Secretariat and Support.*** – All records of
28 the Board, including applications for examinations, examination papers and
29 results, minutes of meetings, deliberations of administrative and other
30 investigative cases involving the Board shall be kept by the Commission. The
31 Commission shall designate the Secretary of the Board and shall provide
32 secretariat and other support services to implement the provisions of this Act.

33

34 **SECTION 12. *Grounds for Suspension or Removal of the Chairperson***
35 ***or Member.*** - The President, upon the recommendation of the Commission after
36 due process and administrative investigation conducted by the Commission, may
37 remove or suspend a Chairperson or Member of the Board on any of the
38 following grounds:

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- (a) Gross neglect, incompetence or dishonesty in the discharge of his/her duty;
- (b) Violation of any of the causes/grounds and the prohibited acts provided in this Act and the offenses in the Revised Penal Code, the Anti-Graft and Corruption Practices, and other laws; and
- (c) Manipulation or rigging of the licensure examination results, or disclosure of examination questions prior to the conduct of the examination, or tampering of the grades;

The Commission, in the conduct of the investigation, shall be guided by Sec. 7 (s) of R.A. No. 8981, the rules on administrative investigation, and the applicable provisions of the New Rules of Court.

SECTION 13. *Annual Report and Annual Meeting.* - The Board shall submit an annual report to the Commission after the close of each fiscal year giving a detailed account of the proceedings of the Board during the year and embodying such recommendations to the Commission as the Board may desire to make. At least once a year, the Board shall meet with the APO, representatives of departments of chemistry in higher education institutions, and Commission on Higher Education (CHED) to discuss matters pertinent to the professional practice of Chemistry

ARTICLE III
LICENSURE EXAMINATION AND REGISTRATION

SECTION 14. *Certificate to Practice Chemistry and Chemical Analysis.* Unless exempt from registration or not subject to the requirements of this Act, no person shall practice or offer to practice as a Chemist or Chemical Analyst in the Philippines, without having previously obtained a Certificate of Registration from the Board and Professional Identification Card.

SECTION 15. *Requirement for Registration as Chemist and Chemical Analyst.* - All applicants for registration for the practice of Chemistry and Chemical Analysis in the Philippines shall be required to pass the licensure examination prescribed herein unless otherwise provided in this Act.

1 **SECTION 16. *Qualifications of Applicant for Examination.*** - Any person
2 applying for admission to the chemistry examination must have the following
3 qualifications:

4
5 (a) He/she is a citizen and resident of the Philippines or a foreign citizen
6 whose country/state has reciprocity with the Philippines in the practice of
7 chemistry;

8 (b) He/she is of good moral character and of sound mind;

9 (c) He/she is a graduate of any higher educational institution with the degree
10 of BS Chemistry or an allied degree, with at least sixty (60) university units
11 in chemistry which should include all of the professional chemistry
12 courses. Provided further, that the allied degree and its curriculum are
13 under the same academic supervision by CHED as the BS Chemistry
14 program, and that it is subject to evaluation by the Board of Chemistry.
15 Graduates of reputable foreign universities who have been conferred the
16 degree of BS Chemistry, or its equivalent, and whose curriculum includes
17 all of the professional chemistry courses, may apply to take the licensure
18 examination, subject to evaluation by the Board.

19 (d) He/she has not been convicted of a crime or an offense involving moral
20 turpitude by a court of competent jurisdiction.

21
22 **SECTION 17. *Scope of Examination for Chemists.*** - The chemistry licensure
23 examination shall cover the following professional chemistry subjects: Analytical
24 Chemistry, Organic Chemistry, Biochemistry, Inorganic Chemistry, and Physical
25 Chemistry. *Provided, that the relative weight of any subject shall not exceed 30%*
26 *or be less than 15% of the total.* The Board may modify the coverage of the
27 Board Examination as required by developments in chemistry and the
28 professional practice of chemistry. In such a case, the Board shall consult with
29 the CHED and the APO for chemistry. The Board must announce revisions in
30 chemistry subjects and topics at least two years prior to their inclusion in the
31 Board examination.

32
33 **SECTION 18. *Qualifications for Chemical Analyst.*** - Any person applying for
34 the professional practice of Chemical Analyst must have the following
35 qualifications:

36
37 (a) He/she is a citizen of the Philippines, or a citizen of a foreign country
38 which grants the corresponding privilege to Filipinos;

- 1 (b) He/she is of good moral character and of sound mind; and
2 (c) Successfully completed at least thirty (30) units of undergraduate
3 chemistry courses from an institution duly recognized by the CHED or
4 TESDA. The courses should include both lecture and laboratory courses
5 in: General Chemistry, Analytical Chemistry and Organic Chemistry. The
6 applicant should submit a certified true copy of his transcript.
7

8 **SECTION 19. *Scope of Examination for Chemical Analyst.*** - The licensure
9 examination for Chemical Analyst shall cover practical aspects of laboratory work
10 in the following chemistry subjects with equal weights: Analytical Chemistry and
11 Organic Chemistry. The Board may modify the coverage of the Board
12 Examination as required by developments in chemistry and the professional
13 practice of Chemical Analysis. In such a case, the Board shall consult with the
14 CHED, TESDA and the APO for chemistry. The Board must announce revisions
15 in chemistry subjects and topics at least two years prior to their inclusion in the
16 Board examination.
17

18 **SECTION 20. *Holding of Examination.*** - Examination of candidates desiring to
19 practice Chemistry and Chemical Analysis in the Philippines shall be given at
20 least once each calendar year on the date(s) and venue(s) prescribed by the
21 Commission in accordance with R.A. 8291.
22

23 **SECTION 21. *Examination Fees.*** - Each applicant admitted to take the
24 Chemistry examination shall pay such fees as may be prescribed by the
25 Commission before he/she is allowed to take the examination.
26

27 **SECTION 22. *Ratings in the Licensure Examination.*** - The Board and the
28 Commission shall issue Certificates of Registration if the examinee attains the
29 following ratings:
30

- 31 (a) Examination for Chemist: the examinee must obtain a general average of
32 at least seventy percent (70%) and no rating less than fifty percent (50%)
33 in any subject. Provided however, if the examinee passes any two
34 subjects, he/she shall automatically qualify as a Chemical Analyst;
35 (b) Examination for Chemical Analyst: the examinee must obtain an overall
36 average of at least seventy percent (70%) and no rating less than fifty
37 percent (50%) in any subject.

1
2 The results of the examination shall be released within 10 working days
3 from the last day of the examination.
4

5 **SECTION 23. *Exemption from Examination for Chemists.*** – Holders of a
6 doctoral degree in Chemistry from a reputable university may apply for
7 registration as Chemist without examination from the Board. They must submit a
8 copy of their undergraduate and graduate diplomas, transcripts, and cover pages
9 of their Doctoral thesis. Provided further, that such individuals must show
10 evidence that they have been active in the practice of Chemistry. The Board may
11 require presentation of the Doctoral thesis and other evidences of competence
12 and achievement in Chemistry.
13

14 **SECTION 24. *Issuance of Temporary/Special Permit.*** - The Board may issue a
15 Special Permit to practice Chemistry to the following persons upon proper
16 application with the Board:
17

- 18 a) Foreign-based chemists, recognized as experts in their specific field of
19 chemistry, called in by the Republic of the Philippines for consultation or
20 for a specific project, provided, that their practice shall be confined to
21 such work; and
22 b) Foreign-based chemists, who have distinguished themselves in their
23 respective fields of specialization, contracted as a professor or lecturer
24 on chemistry subjects by Philippine schools, colleges, institutes or
25 universities on a direct hire or exchange basis. The Special Permit shall
26 indicate the period of validity, provided that such period shall not
27 exceed three (3) years. It may be renewed subject to the rules and
28 regulations of the Board. Complaints or questions regarding such
29 individuals may be directed to the Board for verification or action.
30

31 **SECTION 25. *Professional Oath.*** – All persons to be admitted to the practice of
32 Chemistry and Chemical Analyst are required to take their oath before the Board
33 or any officer authorized by the Commission prior to the issuance of their
34 Certificate of Registration.
35

36 **SECTION 26. *Issuance of Certificate of Registration for Chemist and***
37 ***Chemical Analyst.*** – A Certificate of Registration for Chemist and Chemical
38 Analyst shall be issued by the Board to examinees that satisfy the requirements

1 of the relevant licensure examination subject to the payment of fees prescribed
2 by the Commission. The Certificate of Registration shall state the full name of the
3 registrant and his registration number, and bear the signature of the Chairperson
4 of the Commission and the Chairperson and Members of the Board,
5 authenticated by the official seal of the Commission and the Board.

6 The Certificate of Registration shall remain in full force and effect unless
7 suspended or revoked under the provisions of this Act.

8
9 **SECTION 27. Issuance of Professional Identification Card for Chemist and**
10 **Chemical Analyst.** – A Professional Identification for Chemist shall be issued to
11 holders of a valid Certificate of Registration for Chemist, subject to the payment
12 of fees prescribed by the Commission. A Professional Identification for Chemical
13 Analyst shall be issued to holders of a valid Certificate of Registration for
14 Chemical Analyst. The Professional Identification shall state the full name of the
15 registrant and his registration number, and bear the signature of the
16 Chairpersons of the Commission and the Board, authenticated by the official seal
17 of the Commission and the Board. The Professional Identification shall be valid
18 for a period of three (3) years, subject to renewal, provided that the Certificate of
19 Registration shall not have been suspended or revoked under the provisions of
20 this Act.

21
22 **SECTION 28. Indication of Numbers: Certificate of Registration and**
23 **Professional Tax Receipt.** - The Chemist shall be required to indicate his/her
24 Certification of Registration (CR) and Professional tax Receipt (PTR) Numbers its
25 date and place of issuance and its expiry.

26
27 **SECTION 29. Revocation or Suspension of the Certificate of Registration**
28 **and Cancellation of Temporary/Special Permit.** - The Board shall have the
29 power, upon notice of hearing, to revoke or suspend the certificate of registration
30 of a Registered Chemist or to cancel a temporary/special permit granted to
31 foreign chemist, for violation of any of the following grounds:

- 32 (a) Any act of misrepresentation in connection with the performance of
33 chemistry services as defined in this law or any act inimical to the
34 chemistry profession;
35 (b) Gross immorality or commission of any act involving moral turpitude;
36 (c) Any person who has been convicted by final judgment of a court of
37 competent jurisdiction of any criminal offense; or

1 (d) Any person who has been judicially declared to be of unsound mind.
2 The Board may, for reason it may deem sufficient and upon proper
3 petition, reissue revoked Certificates of Registration or other certificates.
4

5 **SECTION 30. *Membership in the Accredited Professional Organization***
6 **(APO).** – Registered Chemists and Chemical Analysts are required to maintain
7 membership in the APO. Membership in the APO shall not be a hindrance to
8 membership in other associations.
9

10 **SECTION 31. *Continuing Professional Education (CPE) Program.*** - The CPE
11 program guidelines for Chemistry and Chemical Analysis shall be prescribed and
12 promulgated by the Board, subject to the approval of the Commission. The Board
13 shall create a CPE Council to administer the CPE program. The CPE Council
14 shall be composed of a Chairperson coming from the Board, a member from the
15 APO and a member from the academe.
16

17 **SECTION 32. *Roster of Chemists and Chemical Analysts.*** - The Commission
18 shall keep a roster of all registered Chemists and Chemical Analysts, stating their
19 names, registration numbers and places of business. The Commission shall
20 regularly update such roster and make it available to all interested parties.
21

22 **SECTION 33. *Seal of Registered Chemist.*** – Each registered Chemist shall,
23 upon registration, obtain a seal as prescribed by the Board with the label
24 “Registered Chemist” bearing the registrant’s name and registration number. All
25 official documents or reports which require the certification or signature of the
26 registered Chemist shall be stamped with the personal seal of the registered
27 chemist.
28

29 **SECTION 34. *Foreign Reciprocity.*** – A foreign citizen may be allowed to take
30 the licensure examination and may be given a certificate of registration and
31 professional identification card if he/she can prove that by specific provisions of
32 law the country or state of which he/she is a citizen allows Filipino Chemist to
33 practice his/her profession in their country.
34

35 **SECTION 35. *Certificate of Authority to Operate for Firms, Corporations,***
36 ***and Government Agencies.*** - Only firms, corporations, and government
37 agencies which hold a Certificate of Authority to Operate from the Board may
38 operate a chemical laboratory or engage in the practice of Chemistry or Chemical

1 Analysis in the Philippines; provided further that such chemical practice is carried
2 out only by registered Chemists or Chemical Analysts holding valid Certificates of
3 Registration and Professional Identification issued by the Board. In case of a
4 firm, corporation, or government agency, the person who has charge of the
5 management or administration shall be held personally liable for violations of this
6 Act.

7
8 **SECTION 36. Requirements for Certificate of Authority to Operate.** – The
9 Board, in consultation with the relevant entities and the APO, shall set the
10 requirements for the Certificate of Authority to Operate. Such requirements shall
11 be issued as Board resolutions.

12
13 **SECTION 37. Roster of Chemical Laboratories and Related Entities.** - The
14 Commission shall keep a roster of all chemical laboratories and entities engaged
15 in the practice of chemistry, stating their names, registration numbers and places
16 of business. The Commission shall regularly update such roster.

17
18 **ARTICLE IV**
19 **GENERAL PROVISIONS**

20
21 **SECTION 38. Penal Clause for the Professional Practice of Chemistry and**
22 **Chemical Analysis.** - No person shall undertake the professional practice of
23 Chemistry or Chemical Analysis without a valid Certificate of Registration and
24 Professional Identification. This includes any person who:

- 25
- 26 (a) Practices chemistry without a valid certificate of registration and/or a valid
27 professional identification card or a valid temporary/special permit
 - 28 (b) Attempts to use as his own the certificate, license number or seal of
29 another person or impersonate any registered Chemist or Chemical
30 Analyst;
 - 31 (c) Abets the illegal practice of chemistry by an unregistered or unauthorized
32 person;
 - 33 (d) Furnishes the Board or Commission any false information or document in
34 order to secure a Certificate of Registration; or
 - 35 (e) Impersonates a registered chemist or a holder of a special/temporary
36 permit.

37 Upon conviction, these persons shall be sentenced to a penalty of
38 imprisonment for a period of not less than one (1) month or not more than one (1)

1 year, or a fine of not less than one hundred thousand pesos (P100,000) or not
2 more than one million pesos (P1,000,000), or both, at the discretion of the court.

3
4 **SECTION 39. *Penal Clause for Chemical Laboratories and Related Firms.*** -

5 No chemical laboratory or firm shall undertake activities covered by this Act
6 without a valid Certificate of Authority to Operate. The president or the highest
7 ranking officer of the corporation shall be held liable for violations of this Act.
8 Upon conviction, these persons shall be sentenced to a penalty of imprisonment
9 for a period of not less than one (1) month or more than one (1) year or a fine of
10 not less than one hundred thousand pesos (P100,000) or more than one million
11 pesos (P1,000,000), or both, at the discretion of the court.

12
13 **SECTION 40. *Reports and Other Legal Documents.*** - Any document related to
14 the practice of chemistry shall not be considered as official or admissible for legal
15 purposes unless such document is signed by a registered Chemist, and
16 registration number affixed thereto. Registered Chemical Analysts who contribute
17 to the work should also sign such reports or documents, affix his registration
18 number and official seal.

19
20 **SECTION 41. *Coverage of Professional Practice.*** - A duly licensed
21 professional cannot be prevented from the practice of chemistry or chemical
22 analysis if the work is within the scope of the practice of chemistry or chemical
23 analysis. Likewise, this Act does not prevent the practice of any legally
24 recognized allied profession provided that the activity is within the scope of the
25 allied profession.

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27 **SECTION 42. *Hazard Pay and Insurance.*** - Registered Chemists and
28 Registered Chemical Analysts who are exposed to chemicals as part of their
29 regular responsibilities are entitled to hazard pay and insurance commensurate
30 to the risk involved.

31
32 **ARTICLE V.**
33 **TRANSITORY PROVISIONS**
34

35 **SECTION 43. *Term of Office of Incumbent Board.*** - The incumbent
36 Chairperson and Members of the Board at the time of approval of this Act shall
37 automatically function and hold office for another two (2) years from the date of
38 effectivity of this Act or for the remaining duration of their current term, whichever

1 is longer. The Board shall then promulgate the provisions, rules and regulations
2 for the implementation of this Act.

3

4 **SECTION 44. *Vested Rights: Automatic Registration of Chemists and***
5 ***Chemical Technicians.*** – All Chemists and Chemical Technicians who are
6 registered at the time of effectivity of this Act shall automatically be considered
7 registered, and shall hold the same registration number. The validity and period
8 of the existing professional license shall continue in force until its date of expiry.

9

10 **SECTION 45. *Preparation of Seal of Registered Chemist.*** – Within three (3)
11 years of the date of effectivity of this Act, all duly registered Chemists with a valid
12 professional license shall obtain an official seal prescribed by the Board with the
13 label "Registered Chemist" bearing the chemist's name and registration number.
14 *Within three years, all official documents or reports which require the certification*
15 *or signature of the registered chemist shall be stamped with the personal seal of*
16 *the registered Chemist.*

17

18 **SECTION 46. *Grace Period.*** – There shall be a three (3) year grace period for
19 all individuals and institutions to comply with the provisions of this Act. For those
20 who are teaching professional chemistry subjects on the date of effectivity of this
21 Act, there shall be a three year grace period by which time he/she must fulfill the
22 following requirements: (a) Successfully complete at least sixty (60) units of
23 chemistry in an undergraduate degree course which must include all of the
24 professional chemistry subjects. This may include chemistry subjects taken
25 before or after the date of effectivity of this Act; (b) Must have been already
26 teaching these subjects satisfactorily for at least three (3) years on the date of
27 effectivity of this Act; (c) Has satisfied other reasonable requirements or criteria
28 that the Board may set to demonstrate his competence to teach such subjects;
29 and (d) Actively participate in CPE for chemistry. After the three (3) year grace
30 period, such individuals must submit the certified true copies of all of their
31 relevant transcripts for evaluation. Those who are evaluated to have fulfilled the
32 requirements shall be issued a Special Permit which to teach professional
33 chemistry subjects. Such permission to teach professional chemistry subjects
34 shall be limited only to this privilege and shall not be construed as permission to
35 practice chemistry.

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ARTICLE VI
FINAL PROVISIONS

SECTION 47. *Implementing Rules and Regulations.* – Subject to the approval of the Commission, the Board shall adopt and promulgate the Implementing Rules and Regulations and Code of Ethics for the Practice of Chemistry, and other resolutions necessary to carry out the provisions of this Act.

SECTION 48. *Appropriations.* – The amount necessary for the implementation of this Act shall be included in the General Appropriations Act of the year following its enactment and thereafter.

SECTION 49. *Separability Clause.* - If any section of this Act shall be declared unconstitutional or invalid, such shall not invalidate any other section of this Act.

SECTION 50. *Repealing Clause.* – Republic Act No. 754 and all other laws, parts of laws, orders, ordinances, or regulations in conflict with the provisions of this Act, are hereby repealed.

SECTION 51. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the Official Gazette or any major newspaper of general circulation.

Approved,