

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

1978

10 JUL 13 1978

SENATE
S.B. No. 1401

RECEIVED



Introduced by Senator Loren Legarda

EXPLANATORY NOTE

Presidential Decree No. 1308, the law regulating the practice of Environmental Planning in the Philippines, was enacted thirty (30) years ago in 1978. Many parts of this law have become obsolete because of recent developments. For example, the existing law does not address the practice of foreign Environmental Planners (EnPs) who now freely enter the country and offer/undertake various planning services.

With the emphasis of the national government and local government units (LGUs) need for various types of planning for the super-regions, regions, provinces, districts, cities, municipalities and of smaller political subdivisions, it is imperative that these planners or EnPs are duly qualified and proven competent to perform such sensitive tasks and to assume the attendant professional responsibilities and civil liabilities for their prepared, signed and sealed plans.

The proposed bill provides a more responsive and comprehensive regulation for the registration, licensing and practice of the profession of Environmental Planning in light of local and international developments in the field, which encompasses a plethora of planning concerns, i.e. climate change, natural and built environments, transportation, socio-economics, public administration, gender/marginalized sectors and related concerns, subdivision planning, environmental investigation, disaster prevention/mitigation/response and the like. The bill proposes a clearer definition of the practice of Environmental Planning and the expansion of the types of academic degrees required to qualify for the licensure examination, likewise providing for continuing professional education (CPE) to make Philippine EnPs globally recognized and competitive.

In view of the foregoing, the passage of this bill is earnestly sought.



LOREN LEGARDA
Senator

SENATE

S.B. No. 1401

RECEIVED



Introduced by Senator Loren Legarda

AN ACT
REGULATING, THE PRACTICE OF ENVIRONMENTAL PLANNING,
REPEALING FOR THE PURPOSE, PRESIDENTIAL DECREE NUMBERED ONE
THOUSAND THREE HUNDRED AND EIGHT, ENTITLED "LAW
REGULATING THE ENVIRONMENTAL PLANNING PROFESSION IN THE
PHILIPPINES", AND FOR OTHER PURPOSES

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

Article I

GENERAL PROVISIONS

1
2
3
4 **Section 1. Title.** - This Act shall be known as the "Environmental Planning
5 Act of 2010."

6
7 **Sec. 2. Declaration of Policy.** - The State recognizes the importance of
8 environmental planners in nation building and development. Hence, it shall develop
9 and nurture competent, virtuous, productive and well-rounded professional
10 environmental planners whose standards of practice and service shall be excellent,
11 qualitative, world-class and globally competitive through inviolable, honest,
12 effective and credible licensure examinations and through regulatory measures,
13 programs and activities that foster their professional growth and development.

14
15 **SEC. 3. Objectives.** - This Act shall govern:

- 16 a. The examination, registration, and licensure of environmental planners;
17 b. The supervision, control and regulation of the practice of
18 environmental planning;
19 c. The development and upgrading of the curriculum of environmental
20 planning profession;

- 1 d. The development of the professional competence of environmental planners
2 through continuing professional education; and
3 e. The integration of the environmental planning profession.
4

5 **SEC. 4. Definition of Terms. -**

- 6 a. Environmental Planning, otherwise known as "urban and regional planning,
7 city planning, town and country planning, and/or human settlements
8 planning," refers to the art and science of analyzing, specifying, harmonizing,
9 managing and regulating the use and relationships of land and its environs
10 for the development of sustainable communities and ecosystems.
11
12 b. "Environmental Planner" refers to a person who is registered and licensed to
13 practice environmental planning and who holds a valid certificate of
14 registration and a valid professional identification card from the Board of
15 Environmental Planning and Professional Regulation Commission ;
16
17 c. "Environmental Planner-of-Record" refers to a registered environmental
18 planner who either:
19 1. Acts as lead professional in, or coordinates and supervises, the
20 preparation of any of the environmental plans and studies set forth in
21 Section 5 of this Act; or
22 2. Reviews, co-signs and/or officially transmits or endorses to the client any
23 of the plans submitted by other members of a planning team for a
24 program or project; and who shall be held directly liable for such plans
25 prepared under his/ her supervision or co-signed or reviewed by him/
26 her;
27
28 d. "Accredited Professional Organization (APO)" refers to the duly accredited
29 professional organization of environmental planners.
30

31 **SEC. 5. Scope of Practice. -** The practice of Environmental Planning, within
32 the meaning and intent of this Act, shall embrace, *inter alia*, the following:

- 33 a. Providing professional services in the form of technical consultation, plan
34 Preparation, capacity building, and monitoring and evaluation of
35 implementation involving the following:

- 1 1. Preparation of national, regional or local development and/or physical
2 framework and land use plans;
- 3 2. Preparation of comprehensive land use plans, zoning, and related
4 ordinances, codes, and other legal issuances for the management and
5 development, preservation, conservation, rehabilitation, regulation, and
6 control of the environment, including water resources;
- 7 3. Development, conservation, redevelopment, and revitalization of a
8 *barangay*, municipality, city, province, region or any portion or
9 combination thereof; and
- 10 4. Development of a site for a particular need, such as economic or ecological
11 zones; tourism development zones; and housing and other estate
12 development projects, including creating a spatial arrangement of
13 buildings, utilities, transport, and communications;
- 14
- 15 b. In relation to any of the activities enumerated in (a) above, preparing the
16 following studies:
 - 17 1. Pre-feasibility, feasibility, and other related concerns;
 - 18 2. Environmental assessments; and
 - 19 3. Institutional, administrative or legal systems;
 - 20
- 21 c. Teaching, lecturing or reviewing any professional subject included in the
22 curriculum and in the licensure examinations for environmental planning;
23
- 24 d. Serving as expert witness, resource person, lecturer, juror or arbitrator in
25 hearings, competitions, exhibitions, and other public fora; and
26
- 27 e. Ensuring compliance with environmental laws including acquisition of
28 regulatory permits.
29

30 Article II

31 PROFESSIONAL REGULATORY BOARD OF ENVIRONMENTAL PLANNING 32

33 **SEC. 6. *Professional Regulatory Board of Environmental Planning.*** - There is
34 hereby created a Professional Regulatory Board of Environmental Planning,
35 hereinafter referred to as the Board, which shall be composed of a Chairperson and
36 two (2) members under the administrative control and supervision of the

1 Professional Regulation Commission, hereinafter referred to as the Commission.
2 They shall be appointed by the President of the Philippines from a list of three (3)
3 recommendees for each position ranked by the Commission from a list of five (5)
4 nominees for each position submitted by the accredited professional organization of
5 environmental planners.

6

7 The new Board under this Act shall be constituted within six (6) months from
8 the effectivity hereof.

9

10 **SEC. 7. Term of Office.** - The Chairperson and members of the Board shall
11 hold office for a term of three (3) years from the date of appointment or until their
12 successors shall have been qualified and appointed. They may be reappointed in
13 their positions for another term of three (3) years immediately after the expiry of
14 their term: *Provided*, That the holding of such position shall not be more than two (2)
15 terms nor more than six (6) years, whichever is longer: *Provided, further*, That the first
16 Board under this Act shall hold these terms of office: the Chairperson for three (3)
17 years, the first member for two (2) years, and the second member for one (1) year:
18 *Provided, furthermore*, That any appointee to a vacancy with an expired period shall
19 only serve such period. The Chairperson and the members shall duly take their oath
20 of office.

21

22 **SEC. 8. Qualifications of Board Members.** -- Each member of the Board, at
23 the time of his/her appointment, must be:

24

- 25 a. A citizen and resident of the Philippines;
- 26 b. Of good moral character and of sound mind;
- 27 c. A holder of a Master's Degree in Environmental Planning or its equivalent,
28 preferably with a Bachelor's Degree in Environmental Planning;
- 29 d. A registered Environmental Planner with a valid certificate of registration
30 and a professional identification card and with at least seven (7) years of
31 practice in environmental planning prior to his/her appointment;
- 32 e. Not a member of the faculty of any school, college, or university where a
33 regular or review course in environmental planning is offered nor a member
34 of a staff of reviewers in a review school or center and does not have any
35 direct or indirect pecuniary interest in such an institution;
- 36 f. A member in good standing of the Accredited Professional Organization;

- 1 g. Not an officer or trustee of the APO; and
- 2 h. Has not been convicted by a court of competent jurisdiction of an offense
- 3 involving moral turpitude.

4

5 **SEC. 9. Powers, Functions, Duties and Responsibilities of the Board.** - The

6 Board shall have the following specific powers, functions, duties and

7 responsibilities:

- 8 a. Prescribe and adopt the rules and regulations necessary to carry out the
- 9 provisions of this Act;
- 10 b. Supervise the registration, licensure, and practice of environmental planning
- 11 in the Philippines;
- 12 c. Administer oaths in connection with the administration of this Act;
- 13 d. Issue, suspend, revoke or reinstate Certificates of Registration for the practice
- 14 of environmental planning;
- 15 e. Adopt an official seal of the Board;
- 16 f. Determine and prepare the contents of licensure examination; score and rate
- 17 the examination papers, and submit the results thereof to the Commission;
- 18 g. Adopt and promulgate a Code of Ethics and a Code of Technical Standards
- 19 issued by the duly Accredited Professional Organization;
- 20 h. Ensure, in coordination with the Commission on Higher Education (CHED),
- 21 or other authorized government offices, that all higher educational
- 22 instruction and offering of environmental planning comply with the policies,
- 23 standards, and requirements of the course prescribed by the CHED or other
- 24 authorized government offices in the areas of curriculum, faculty, library and
- 25 facilities;
- 26 i. Monitor the conditions affecting the practice of environmental planning
- 27 profession and adopt measures necessary for the enhancement of the
- 28 profession;
- 29 j. Investigate violations of this Act and its rules and regulations, Code of Ethics,
- 30 Code of Technical Standards, Policy and Measure as may come to its
- 31 knowledge and, for this purpose, issue *subpoena* and *subpoena duces tecum* to
- 32 secure the appearance of witnesses and exhibition of the documents and
- 33 other evidences necessary in connection with the performance of its
- 34 functions;
- 35 k. Delegate the conduct of hearing or investigation of administrative cases filed
- 36 before the Board;

- 1 l. Promulgate decisions on such administrative cases;
- 2 m. Discharge such other powers and duties as may affect professional, ethical
- 3 and technological standards of the environment planning profession in the
- 4 Philippines;
- 5 n. Perform such other functions and responsibilities in accordance with the
- 6 provisions of Republic Act No. 8981, otherwise known as the "Professional
- 7 Regulation Commission Modernization Act of 2000".

8
9 The policies, resolutions, and rules and regulations, issued and promulgated
10 by the Board shall be subject to review, and approval by the Commission; however,
11 the Board's decisions, resolutions or orders, which are not interlocutory, rendered in
12 an administrative case, shall be subject to review only if on appeal.

13
14 **SEC. 10. Compensation of the Board.** - The Chairperson and Members of the
15 Board shall receive compensation and allowances comparable to the compensation
16 and allowances received by the Chairpersons and members of existing professional
17 regulatory boards under the Commission as provided for by the General
18 Appropriations Act.

19
20 **SEC. 11. Administrative Supervision of the Board, Custodian of its Records,**
21 **Secretariat and Support Services.** - The Board shall be under the administrative
22 supervision of the Commission. All records of the Board, including applications for
23 examinations, and administrative and other investigative cases conducted by the
24 Board shall be under the custody of the Commission. The Commission shall
25 designate the secretary of the Board and shall provide the secretariat and other
26 support services to implement the provisions of this Act.

27
28 **SEC. 12. Grounds for Suspension or Removal of Board Members /**
29 **Chairperson.** - The President of the Philippines, upon the recommendation of the
30 Commission, after due process and administrative investigation conducted by the
31 Commission, may remove or suspend the Chairperson or Member of the Board on
32 any of the following grounds:

- 33 a. Gross neglect, incompetence or dishonesty in the discharge of his/her duty;
- 34 b. Violation of any of the causes/grounds and the prohibited acts provided in
- 35 this Act and the offenses in the revised Penal Code, Republic Act No. 3019

1 otherwise known as the Anti-Graft and Corruption Practices Act, and other
2 laws;

- 3 c. Manipulation or rigging of the results of the licensure examination for the
4 practice of environmental planning, disclosure of secret and confidential
5 information on the examination questions prior to the conduct thereof, or
6 tampering of grades.

7
8 The Commission, in the conduct of the investigation, shall be guided by Sec.
9 7(s) of R.A. No. 8981, the rules on administrative investigation, and the applicable
10 provisions of the New Rules of Court.

11
12 **SEC. 13. *Annual Report.*** - The Board shall, at the end of each calendar year,
13 submit to the Commission a detailed report of its activities and proceedings during
14 the year embodying also such recommendations as it may deem proper to promote
15 the policies and objectives of this Act.

16
17 **Article III**

18 **EXAMINATION AND REGISTRATION**

19
20 **SEC. 14. *Registration Required.*** - Upon the effectivity of this Act, no person
21 shall practice or offer to practice environmental planning in the Philippines without
22 having obtained from the Board and the Commission a Certificate of Registration
23 and a Professional Identification Card or a Temporary/Special Permit.

24
25 **SEC. 15. *Examination Required.*** - Unless provided otherwise under this Act,
26 all applicants for registration for the practice of environmental planning shall be
27 required to pass the professional licensure examination as herein provided, subject
28 to the payment of fees prescribed by the Commission Examinations for the practice
29 of environmental planning in the Philippines shall be given by the Board at least
30 once every year in such places and dates as the Commission may designate in
31 accordance with the provisions of Republic Act No. 8981.

32
33 **SEC. 16. *Rating in the Licensure Examination.*** - To pass the licensure
34 examination each person must obtain a weighted average of no less than seventy per
35 centum (70%) and a rating of no less than fifty per centum (50%) in any examination
36 subject.

1 **SEC. 17. Subjects of Examination.** - The licensure examination for
2 environmental planner shall include, but shall not be limited to, the following:

- 3
- 4 a. History, concepts, theories, and principles of environmental planning;
 - 5 b. Environmental planning process, methods/ techniques, and strategies;
 - 6 c. Environmental plan implementation, legal aspects, and administration.
- 7

8 These subject areas shall include topics and subtopics in accordance with the
9 syllabi or tables of specifications of subjects for licensure examinations by the Board
10 in consultation with the academe and the Accredited Professional Organization. The
11 subject areas and syllabi may be revised as the need arises to conform to changes
12 and new developments brought about by trends in the profession.

13

14 **SEC. 18. Qualifications for Examination.** - Any person applying to take the
15 licensure examination as herein provided shall establish to the satisfaction of the
16 Board that he/she has the following qualifications:

17

- 18 a. A citizen of the Philippines or a foreign citizen whose country or state has
19 reciprocity agreement in the practice of the profession;
- 20 b. A holder of any of the following degrees from duly recognized schools,
21 college or universities accredited by the Commission on Higher Education:
 - 22 1. A Master's degree in Environmental Planning, urban/city and regional
23 planning, or town and country planning or its equivalent;
 - 24 2. A Post-Graduate Diploma in environmental planning, city and regional
25 planning or its equivalent, and with at least one (1) year on-the-job
26 training as required herein;
 - 27 3. A Bachelor's degree in Environmental Planning, City Planning or Urban
28 and Regional Planning, or Town and Country Planning, or its equivalent,
29 and with two (2) years of on-the-job training as required herein;
 - 30 4. A Master's or Doctorate degree in either architecture, engineering,
31 ecology, economics, geography, public administration, business
32 administration, sociology, social science, law, environmental science,
33 environmental management, development management, natural
34 resources planning and development and related disciplines acceptable to
35 the Board, and with three (3) years of on-the-job training as required
36 herein: *Provided*, That a person falling under this paragraph, may be

1 allowed to take the licensure examination only within the next ten (10)
2 years after the effectivity of this Act;

3 5. A Bachelor's degree in architecture, engineering, economics, public
4 administration, law, social work and community development or
5 sociology and other related disciplines acceptable to the Board and with
6 five (5) years of on-the-job training as required herein: *Provided*, That a
7 person falling under this paragraph, may be allowed to take the licensure
8 examination only within the next ten (10) years after the effectivity of this
9 Act;

10 6. Incumbent holders of planning positions in the national, regional; or local
11 government' offices or agencies including government owned and
12 controlled corporations who have been engaged in development planning
13 functions acceptable to the Board: *Provided*, That they are holders of
14 professional civil service eligibility and they must have undergone at least
15 eighty (80) hours of in-service training or distance learning in
16 developmental planning from a government agency, school or institution
17 accredited by proper authorities: *Provided, further*, That a person falling
18 under this paragraph may be allowed to take the licensure examination
19 only within the next five (5) years after the effectivity of this Act.

20 c. Of good moral character; and

21 d. Has not been convicted of an offense involving moral turpitude by a court of
22 competent jurisdiction.

23
24 The on-the-job training required in this section must be undertaken under the
25 supervision of a registered Environmental Planner or the applicant's immediate
26 supervisor, in an agency or organization, acceptable to the Board, which is engaged
27 or involved in environmental planning functions or programs.

28
29 **SEC. 19. *Issuance of Certificate of Registration and Professional***
30 ***Identification Card.*** - A certificate of registration shall be issued to those who are
31 registered with or without licensure examination subject to payment of fees
32 prescribed by the Commission. It shall bear the signatures of the Chairperson of the
33 Commission and of the Chairperson and Members of the Board, stamped with the
34 official seal of the Commission and of the Board, certifying that the person named
35 therein is entitled to the practice of the profession with all the privileges appurtenant

1 thereto. Until withdrawn, revoked, or suspended in accordance with this Act, it shall
2 remain in full force and effect.

3
4 A professional identification card bearing the registration number and date,
5 its validity and expiry duly signed by the Chairperson of the Commission shall
6 likewise be issued to every registrant who has paid the prescribed fees.

7
8 **SEC. 20. *Refusal to Register.*** - The Board shall not register any successful
9 applicant for registration with or without licensure examination who has been:

- 10
11 a. Convicted of an offense involving moral turpitude by a court of competent
12 jurisdiction;
13 b. Found guilty of immoral or dishonorable conduct by the Board;
14 c. Summarily adjudged guilty for violation of the General Instructions to
15 Examinees by the Board;
16 d. Declared of unsound mind by the court of competent jurisdiction.

17
18 In refusing such registration, the Board shall give the applicant a written
19 statement setting forth the reasons therefor and shall file a copy thereof in its
20 records.

21
22 **SEC. 21. *Revocation or Suspension of the Certificate of Registration and***
23 ***Cancellation of Temporary/Special Permit.*** - The Board shall have the power, upon
24 notice and hearing, to revoke or suspend the certificate of registration of a registered
25 and licensed Environmental Planner or to cancel a temporary/special permit
26 granted to a foreign Environmental Planner, for violation of any grounds or cases in
27 Sec. 20 of this Act, except paragraph (c) hereof, and on any of the following grounds:

- 28
29 a. Violation of a provision of this Act, its Implementing Rules and Regulation,
30 Code of Ethics, Code of Technical Standards for the practice of Environmental
31 Planner, policy, and measure of the Board and/or the Commission;
32 b. Perpetration or use of fraud in obtaining his/her certificate of registration,
33 professional identification card, temporary/special permit;
34 c. Gross incompetence, negligence or ignorance resulting to death, injury or
35 damage;
36 d. Refusal to join or to remain a member in good standing of the APO;

- 1 e. Neglect or failure to pay the annual registration fees for five (5) consecutive
2 years;
- 3 f. Non-renewal of the professional identification card after lapse of five (5)
4 consecutive years;
- 5 g. Aiding or abetting the illegal practice of a non-registered and licensed
6 environmental planner by allowing him/her to use his/her certificate of
7 registration and/or professional identification card or his/her
8 special/temporary permit;
- 9 h. Illegally practicing the profession during his/her suspension from the
10 practice thereof; and
- 11 i. Addiction to a drug or alcohol abuse impairing his/her ability to practice
12 his/her profession or declared with unsound mind by a court of a competent
13 jurisdiction;

14
15 The Board shall periodically evaluate the aforementioned grounds and revise
16 or exclude or add new ones as the need arises subject to approval by the
17 Commission.

18
19 Any person, firm or association may file charges against any registrant in
20 accordance with the provisions of this Section, or the Board may investigate
21 violations of any of the above-mentioned causes. An affidavit-complaint shall be
22 filed together with the affidavits of witnesses and other documentary evidence with
23 the Board through the Legal and Investigation Office. An investigation conducted
24 *motu proprio* shall be embodied in a formal charge to be signed by at least a majority
25 of the members of the Board. The rules on administrative investigation issued by the
26 Commission shall govern the hearing or investigation subject to applicable
27 provisions of this Act, R.A. No. 8981, and the Rules of Court.

28
29 **SEC. 22. *Re-issuance of Revoked Certificate of Registration, Replacement of***
30 ***Lost or Damaged Certificate of Registration, Professional Identification Card or***
31 ***Temporary/Special Permit.*** - The Board may, upon petition, reinstate or re-issue a
32 revoked certificate of registration after two (2) years from the effectivity of the
33 period for revocation, which is the date of surrender of the said certificate and/or
34 the professional identification card if still valid to the Board and/or the
35 Commission. The Board may not require the holder thereof to take another licensure
36 examination. The petitioner shall prove to the Board that he/she has valid reasons to

1 practice his/her profession. For the grant of his/her petition, the Board shall issue a
2 Board Resolution subject to approval by the Commission.

3
4 A duplicate copy of a lost certificate of registration, professional identification
5 card or temporary/special permit may be reissued in accordance with rules thereon
6 and upon payment of the prescribed fee therefor.

7
8 **ARTICLE IV**
9 **PRACTICE OF ENVIRONMENTAL PLANNING**

10
11 **SEC. 23. *Vested Rights: Licensed Environmental Planners Registered when***
12 ***this Law is Passed.*** - All Environmental Planners who are already duly registered
13 with the Board under Presidential Decree No. 1308 and are holders of valid
14 professional identification cards, issued by the Commission, and who are in good
15 standing with the accredited professional organization of environmental planners as
16 of the time of the effectivity of this Act shall be deemed automatically registered
17 under this Act.

18
19 Certificates of Registration and valid Professional Identification Cards held
20 by such persons in good standing shall have the same force and effect as though
21 issued after the passage of this Act.

22
23 **SEC. 24. *Consulting Firms, Partnerships, Corporations, Associations and***
24 ***Foundations Engaged in Environmental Planning Practice.*** - A consulting firm,
25 partnership, corporation, association or foundation may engage in the practice of
26 environmental planning in the Philippines: *Provided*, That they comply with the
27 following requirements:

- 28
29 a. The consulting firm, partnership, corporation or association applies for and is
30 issued a Certificate of Registration by the Board and the Commission to
31 engage in the practice of environmental planning in the Philippines: *Provided*,
32 That majority of the partners of the partnership are registered and licensed
33 environmental planners: *Provided, further*, That the majority of the members of
34 the Board of Directors or members thereof shall be registered Environmental
35 Planners; and

1 b. The practice of the consulting firm, partnership, corporation or association in
2 environmental planning shall be carried out by duly registered
3 Environmental Planners.
4

5 **SEC. 25. *Use of Seal.*** - All registered Environmental Planners shall obtain a
6 seal of such design as the Board shall authorize and direct: *Provided*, That the serial
7 number of the certificate issued by the Board shall be included in the design of the
8 seal. Plans, designs and programs prepared by or under direct supervision of a
9 registered Environmental Planner shall be stamped with the said seal during the life
10 of the registrant's certificate, and it shall be unlawful for any one to stamp or seal
11 any document with the said seal after the certificate of the registrant named thereon
12 shall have expired or shall have been revoked, unless said certificate shall have been
13 renewed or re-issued.
14

15 **SEC. 26. *Continuing Professional Education.*** - The Board, in consultation
16 with the academe and the accredited professional organization, shall prescribe
17 guidelines in the implementation of its Continuing Professional Education (CPE)
18 programs, subject to the approval of the Commission.
19

20 **SEC. 27. *Foreign Reciprocity.*** - A foreign citizen may be allowed to take the
21 licensure examination and may be given a certificate of registration and professional
22 identification card if he/she can prove that by specific provisions of law the country
23 or state of which he/she is a citizen allows a Filipino environmental planner to
24 practice his/her profession in such country.
25

26 **SEC. 28. *Special / Temporary Permits for Foreign Environmental Planners.*** -
27 The practice of foreign Environmental Planners in the Philippines shall be governed
28 by the provisions of R.A. 8981, otherwise known as the PRC Modernization Act of
29 2000: *Provided*, That any foreign national who has gained entry in the Philippines to
30 perform professional services as an environmental planner or render such services
31 or prepare or produce such documents as are within the scope of practice of
32 environmental planners as set forth in this Act, such as but not limited to being a
33 Consultant in foreign-funded or assisted projects of the government or employed or
34 engaged by Filipino or foreign contractors or private firms, whether or not the
35 nomenclature of his/her profession is specifically called in his/her country of
36 nationality as environmental planning, but who does not meet or wish to comply

1 with the requirements for admission to take the licensure examinations shall, before
2 assuming the duties, functions and responsibilities as environmental planner or
3 consultant, secure a special/temporary permit from the Board subject to the
4 approval of the Commission and the Department of Labor and Employment
5 (DOLE), to practice his/her profession in connection with the project to which
6 he/she was commissioned: *Provided*, That the following conditions are satisfied:

- 7
- 8 a. That he/she is a citizen or subject of a country which specifically permits
9 Filipino professionals to practice their profession within the territorial limits
10 on the same basis as the subjects or citizens of such foreign country or state;
11
 - 12 b. That he/she is legally qualified to practice environmental planning or urban
13 and regional planning, town and country planning or human settlements
14 planning in his/her own country, and that his/ her expertise is necessary and
15 advantageous to the Philippines, particularly in the aspects of technology
16 transfer and specialization;
17
 - 18 c. That he/she shall be required to work with a Filipino counterpart and
19 professional fees and services and expenses of documentation pertaining to
20 the project shall be proportionately shared by both foreign and Filipino
21 Environmental Planners, including liabilities and taxes due to the Philippine
22 government, if any, relative to his/her participation therein, or professional
23 services rendered to the project in accordance with established rules and
24 regulations; and
25
 - 26 d. That he/she shall obtain an employment permit from DOLE: *Provided*, That
27 the employment permit may be issued to a non- resident alien or to the
28 applicant - employer after a determination of the non-availability of a person
29 in the Philippines who is competent, able and willing at the time of
30 application to perform the services for which the alien is desired: *Provided*,
31 *further*, That the applicant's country of nationality observes reciprocal
32 conditions for Filipino nationals.

33
34 **SEC. 29. Indication of Numbers: Certificate of Registration and Professional**
35 **Tax Receipt.** - The environmental planner shall be required to indicate his/her

1 Certificate of Registration (CR) APO Certificate of Membership and Professional Tax
2 Receipt (PTR) Numbers, its date and place of issuance and its expiry.

3
4 **SEC. 30. Unlawful Practices under this Act.** - It shall be unlawful for any
5 person or group of persons to:

- 6
7 a. Offer or render planning services as defined in Section 4 or within the scope
8 of Section 5 of this Act unless he/she is a Registered Environmental Planner;
9
10 b. Cause, induce, encourage or coerce the preparation of or implement any plan
11 that is not signed by a registered environmental planner, when such plan is
12 so required by this Act to be signed by a registered environmental planner;
13
14 c. Amend, revise, duplicate or make copies of plans, designs, programs and
15 other documents prepared, signed and sealed by an environmental planner
16 without his/her consent;
17
18 d. Sign his/her name, affix his/her seal or use any other method signature on
19 plans, specifications or other documents prepared by another environmental
20 planner; or
21
22 e. Sign for any branch of the work or any function in environmental planning
23 practice not actually performed by him/her except for the environmental
24 planner-in-charge who shall be fully responsible for all plans, specifications
25 and other documents issued under his/her seal or authorized signature.
26

27 **SEC. 31. Integration of the Profession.** - All environmental planners shall be
28 integrated into one (1) national organization that is duly registered with the
29 Securities and Exchange Commission (SEC). The Board, subject to approval by the
30 Commission, shall accredit the said organization as the one and only integrated and
31 accredited national organization of environmental planners. All environmental
32 planners whose names appear in the Registry Book of Environmental Planners shall
33 *ipso facto* or automatically become members thereof and shall receive thereto all the
34 benefits and privileges upon payments of APO membership fees and dues.
35 Membership in an affiliate organization of environmental planners shall not be
36 barred.

1 Article V

2 ENFORCEMENT OF THE ACT AND PENAL PROVISIONS

3
4 SEC. 32. *Enforcement by Government Officials and Officers of the Law.* - It
5 shall be the duty of all government officials and duly constituted law officers of the
6 national, provincial, city or municipal government, to assist the Board and the
7 Commission in enforcing the provisions of this Act and to cause the prosecution of
8 any person violating the same.
9

10 SEC. 33. *Positions in Government with Environmental Planning Functions.* -
11 The Civil Service Commission (CSC) shall create positions and set qualification
12 standards for environmental planners at various levels in government service
13 including government owned and controlled corporations and other entities. After
14 the lapse of five (5) years from the effectivity of this Act only registered
15 environmental planners shall be appointed to the position of heads and assistant
16 heads of groups, departments, divisions in government offices, agencies bureaus or
17 instrumentalities thereof, including government-owned and controlled corporations,
18 provinces, cities and municipalities, and such other positions which require the
19 knowledge, skills and competence of registered environmental planners.
20 Appointments made thereafter in violation hereof shall be considered null and void.
21

22 SEC. 34. *Civil Liability of Environmental Planners.* - The Environmental
23 Planner-of-Record in charge of the preparation of an environmental plan as well as
24 other members of the environmental planning team involved in the preparation
25 thereof may be held civilly liable in cases of serious or wholesale damage, failure or
26 destruction of any project subject of or covered by an environmental plan, that
27 resulted in significant adverse impact on affected stakeholders or the concerned
28 ecosystem, within a period of ten (10) years from the time of preparation of such
29 plan, in cases where it is determined by a court of competent jurisdiction that such
30 damage, failure or destruction was foreseeable and may be directly attributed to
31 gross negligence on the part of such environmental planner-of-record and/or
32 environmental planning team member or members, or to highly deficient or
33 inappropriate environmental planning methods, strategies, tools or techniques at
34 variance with generally accepted environmental planning principles, methods and
35 standards.
36

1 The government or any affected stakeholder may institute legal action to
2 enforce such liability within five (5) years from the time the damage or destruction
3 occurs.

4
5 **SEC. 35. Penal Provisions.** - Any person who commits any of the unlawful
6 practices under Section 30 hereof and/or any of the following acts shall, upon
7 conviction, be sentenced by imprisonment of not less than six (6) months, nor more
8 than five (5) years or a fine or not less than One Hundred Thousand Pesos
9 (Php100,000.00) nor more than Five Hundred Thousand Pesos (Php500,000.00) or
10 both, at the discretion of the Court:

- 11
- 12 a. Engaging in the practice of environmental planning in the Philippines
13 without having been registered or without having conformed to the
14 provisions of this Act;
 - 15
 - 16 b. Presenting or attempting to use as his/her own the Certificate of Registration
17 and/or professional identification card of another registered environmental
18 planner; or a holder of a temporary/special permit;
 - 19
 - 20 c. Giving any false or forged evidence of any kind to the Board, or
21 impersonating any registered environmental planner or a holder of a
22 temporary/special permit;
 - 23
 - 24 d. Using a revoked or suspended Certificate of Registration; or an expired or un-
25 renewed professional identification card or temporary/ special; permit;
 - 26
 - 27 e. Using in connection with his/her name or otherwise assuming, using or
28 advertising any title or description tending to convey the impression that
29 he/she is an environmental planner without holding a valid Certificate or
30 Registration and professional identification card or a valid
31 Temporary/Special Permit;
 - 32
 - 33 f. Implementing or causing the implementation of any plan not prepared and
34 signed by a registered environmental planner in those cases where this Act
35 requires that these be prepared and signed by a such a registered
36 environmental planner; and

1 g. Violating any of the provisions of this Act and the Rules of Regulations
2 thereof.

3
4 In case the offender is a corporation, partnership, association, foundation or
5 juridical person, the penalty of imprisonment shall be imposed on the
6 environmental planner-in-charge jointly and solidarily with the responsible
7 professionals as well as the controlling officer or officers thereof responsible for
8 permitting or causing the violation.

9
10 **Article VI**

11 **TRANSITORY PROVISIONS**

12
13 **SEC. 36. *Transitory Provisions.*** - Within a period of five (5) years from the
14 effectivity of this Act, local government units may continue to issue appointments to
15 persons who are not registered environmental planners belonging to positions of
16 local planning and development coordinators, or chiefs of local planning and
17 development offices, only on a temporary status or acting capacity.

18
19 The incumbent Chairperson and Members of the Board shall, in an interim
20 capacity, continue to carry out their functions under the provisions of this Act
21 without need for new appointments as Chairperson and members thereof until the
22 first Board, created under this Act, shall have been constituted or organized
23 pursuant thereto.

24
25 **Article VII**

26 **FINAL PROVISIONS**

27
28 **SEC. 37. *Appropriations.*** - The Chairperson of the Professional Regulation
29 Commission shall immediately include in the Commission's programs the
30 implementation of this Act, the funding of which shall be included in the annual
31 General Appropriation Act and thereafter.

32
33 **SEC. 38. *Act Not Affecting Other Professions.*** -This Act shall not affect or
34 prevent the practice of any other legally recognized profession.

35 **SEC. 39. *Implementing Rules and Regulations.*** - The Board, subject to
36 approval of the Commission, shall prescribe, promulgate, and issue the

1 implementing rules and regulations of this Act, after consultation with the APO,
2 other agencies and concerned private organizations, within ninety (90) days from
3 the effectivity of this Act.

4

5 **SEC. 40. *Separability Clause.*** - If any part or section of this Act shall be
6 declared unconstitutional, such declaration shall not invalidate the other provisions
7 hereof.

8

9 **SEC. 41. *Repealing Clause.*** - Presidential Decree No. 1308 is hereby repealed.
10 All other laws, orders, rules and regulations or resolutions or parts thereof
11 inconsistent with the provisions of this Act are hereby repealed or amended
12 accordingly.

13

14 **SEC. 42. *Effectivity.*** - This Act shall take effect fifteen (15) days following its
15 publication in any newspaper of general circulation.

16

17 Approved,