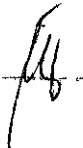


FOURTEENTH CONGRESS OF THE REPUBLIC)  
OF THE PHILIPPINES )  
Second Regular Session )

8 OCT 15 1922

SENATE  
S. B. No. 2674

RECEIVED BY: 

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Introduced by Senator Miriam Defensor Santiago

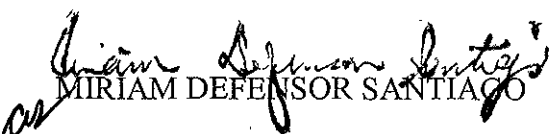
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### EXPLANATORY NOTE

The obligation of licensed engineers to protect the public health and safety has long been acknowledged by the State. This responsibility rests with the recognition that engineers with their education, training and experiences possess a level of knowledge and understanding concerning technical matters which is superior to that of the lay public. It also is rooted in the implicit fact that as individuals who are granted a license by the state to practice, engineers have a duty to engage in practice which is consistent with the interests of the state and its citizenry.

The proposed bill would ensure that professional engineers may report any potentially life-threatening structural deficiencies of which they are aware to appropriate government officials without fear of being threatened or sued by the building owners.


The proposed bill would authorize an engineer, as defined, to disclose, to any government official, information regarding a building or structure that the engineer believes in good faith may pose a danger to the public health or safety. The bill would prohibit a contract between an engineer and a building owner, as defined, from containing any provision that would limit or interfere with the engineer's right to provide that disclosure and would also prohibit a building owner from threatening, or initiating or maintaining legal action against, or otherwise retaliating against an engineer due to that disclosure or the engineer's ability to make that disclosure.

  
MIRIAM DEFENSOR SANTIAGO

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

8 OCT 15 12:32

SENATE  
S. B. NO. 2674

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Introduced by Senator Miriam Defensor Santiago

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1 AN ACT  
2 AUTHORIZING ENGINEERS TO DISCLOSE TO ANY  
3 GOVERNMENTAL OFFICIAL INFORMATION REGARDING A BUILDING OR  
4 STRUCTURE THAT HE BELIEVES IN GOOD FAITH MAY POSE A DANGER TO  
5 THE PUBLIC HEALTH OR SAFETY.  
6

7 *Be it enacted by the Senate and the House of Representatives of the Philippines in*  
8 *Congress assembled:*  
9

10 SECTION 1. *Short Title.* This Act may be known as the "Professional Engineer's  
11 Disclosure Act".

12 SECTION 2. *Definitions.* For purposes of this Act, the following definitions shall  
13 apply:

14 (a) "Building owner" - means the owner of a building or structure, agents for  
15 the building owner who manage or lease the building or structure, or any client of  
16 the engineer who has an ownership or other interest in the building or structure.  
17

18 (b) "Engineer" means a civil, structural, electrical, or mechanical engineer  
19 licensed or authorized to use that title by the Professional Regulatory Commission  
20 (PRC).  
21

22 SECTION 3. *Disclosure.* Notwithstanding any other provision of law, a licensed  
23 engineer may disclose to any governmental official information regarding a building or  
24 structure that he believes in good faith may pose a danger to the public health or safety.

25 SECTION 4. *Non- proscription on Right to Disclose.* A contract between an  
26 engineer and a building owner shall not contain any provision that would limit or  
27 otherwise interfere with the engineer's right to disclose pursuant to Section 2 of this Act.

28 SECTION 5. *Non-liability on Disclosure.* A building owner shall not threaten, or  
29 initiate or maintain legal action against, or otherwise retaliate against an engineer due to  
30 the engineer's disclosure or ability to disclose pursuant to Section 2.

31           An engineer shall also not be civilly liable to a building owner because of any  
32 disclosure made pursuant to Section 2.

33           SECTION 6. *Non-Liability of Government Personnel.* A governmental official  
34 who receives a disclosure pursuant to Section 2 of this Act shall have the same immunity  
35 from liability as that applicable under Section 5 of this Act.

36           SECTION 7. *Penalties.* In addition to any other penalties authorized by law, a  
37 building owner who requires that an engineer enter into a contract that violates Section 4  
38 of this Act, shall be liable to a fine of not less than Ten Thousand Pesos (P10,000.00).

39           SECTION 8. *Separability Clause.* – If any provision or part thereof, is held  
40 invalid or unconstitutional, the remainder of the law or the provision not otherwise  
41 affected shall remain valid and subsisting.

42           SECTION 9. *Repealing Clause.* – Any law, presidential decree or issuance,  
43 executive order, letter of instruction, administrative order, rule or regulation contrary to,  
44 or inconsistent with the provisions of this Act is hereby repealed, modified or amended  
45 accordingly.

46           SECTION 10. *Effectivity Clause.* – This Act shall take effect fifteen (15) days  
47 after its publication in at least two (2) newspapers of general circulation.

48

49           Approved.