


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SENATE
S. No. 1679

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Introduced by Senator Miriam Defensor Santiago

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.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the Fourteenth Congress, Second Regular Session

10 JUL 20 17:01

SENATE
S. No. 1679

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

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 THE
5 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 apply:

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

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

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

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

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

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

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

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

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

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

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

45

46 Approved.