

1 SEC. 3. *Objectives.* – This Act shall govern:

2 (a) The examination, registration and licensure of environmental
3 planners;

4 (b) The supervision, control and regulation of the practice of
5 environmental planning;

6 (c) The development and upgrading of the curriculum of the
7 environmental planning profession;

8 (d) The development of the professional competence of environmental
9 planners through continuing professional education; and

10 (e) The integration of the environmental planning profession.

11 SEC. 4. *Definition of Terms.* –

12 (a) *Environmental planning*, otherwise known as urban and regional
13 planning, city planning, town and country planning and/or human settlements
14 planning, refers to the art and science of analyzing, specifying, harmonizing,
15 managing and regulating the use and relationships of land and its environs for
16 the development of sustainable communities and ecosystems.

17 (b) *Environmental planner* refers to a person who is registered and
18 licensed to practice environmental planning and who holds a valid certificate
19 of registration and a valid professional identification card from the Board of
20 Environmental Planning and Professional Regulation Commission.

21 (c) *Environmental planner-of-record* refers to a registered
22 environmental planner who either:

23 (1) Acts as lead professional in, or coordinates and supervises, the
24 preparation of any of the environmental plans and studies set forth in Section 5
25 of this Act; or

26 (2) Reviews, co-signs and/or officially transmits or endorses to the
27 client any of the plans submitted by other members of a planning team for a

1 program or project; and who shall be held directly liable for such plans
2 co-signed, reviewed or prepared under one's supervision.

3 (d) *Accredited Professional Organization (APO)* refers to the duly
4 accredited professional organization of environmental planners.

5 SEC. 5. *Scope of Practice.* – The practice of environmental planning,
6 within the meaning and intent of this Act, shall embrace, *inter alia*, the
7 following:

8 (a) Providing professional services in the form of technical
9 consultation, plan preparation, capacity building, monitoring and evaluation of
10 the implementation involving the following:

11 (1) Preparation of national, regional or local development and/or
12 physical framework and land-use plans;

13 (2) Preparation of comprehensive land-use plans, zoning and related
14 ordinances, codes and other legal issuances for the management and
15 development, preservation, conservation, rehabilitation, regulation and control
16 of the environment, including water resources;

17 (3) Development, conservation, redevelopment and revitalization of a
18 barangay, municipality, city, province, region or any portion or combination
19 thereof; and

20 (4) Development of a site for a particular need, such as economic or
21 ecological zones; tourism development zones; and housing and other estate
22 development projects, including creating a spatial arrangement of buildings,
23 utilities, transport and communications;

24 (b) In relation to any of the activities enumerated in subsection (a)
25 above, preparing the following studies:

26 (1) Pre-feasibility, feasibility and other related concerns;

27 (2) Environmental assessments; and

1 (3) Institutional, administrative or legal systems;

2 (c) Teaching, lecturing or reviewing any professional subject included
3 in the curriculum and in the licensure examinations for environmental
4 planning;

5 (d) Serving as expert witness, resource person, lecturer, juror or
6 arbitrator in hearings, competitions, exhibitions and other public fora; and

7 (e) Ensuring compliance with environmental laws including acquisition
8 of regulatory permits.

9 ARTICLE II

10 PROFESSIONAL REGULATORY BOARD OF
11 ENVIRONMENTAL PLANNING

12 SEC. 6. *Professional Regulatory Board of Environmental Planning.* –

13 There is hereby created a Professional Regulatory Board of Environmental
14 Planning, hereinafter referred to as the Board, which shall be composed of a
15 chairperson and two (2) members under the administrative control and
16 supervision of the Professional Regulation Commission, hereinafter referred to
17 as the Commission. They shall be appointed by the President of the
18 Philippines from a list of three (3) recommendees for each position ranked by
19 the Commission from a list of five (5) nominees for each position submitted by
20 the accredited professional organization (APO) of environmental planners.

21 The new Board under this Act shall be constituted within six (6) months
22 from the effectivity thereof.

23 SEC. 7. *Term of Office.* – The chairperson and members of the Board
24 shall hold office for a term of three (3) years from the date of appointment or
25 until their successors shall have been qualified and appointed. They may be
26 reappointed in their positions for another term of three (3) years immediately
27 after the expiry of their term: *Provided*, That the holding of such position shall
28 not be more than two (2) terms nor more than six (6) years, whichever is

1 longer: *Provided, further*, That the first Board under this Act shall hold these
2 terms of office: the chairperson for three (3) years; the first member for two (2)
3 years; and the second member for one (1) year: *Provided, furthermore*, That
4 any appointee to a vacancy with unexpired term shall only serve such period.
5 The chairperson and the members shall duly take their oath of office.

6 SEC. 8. *Qualifications of the Chairperson and Members of the Board.*

7 – The chairperson and members of the Board, at the time of their appointment,
8 must be:

9 (a) A citizen and resident of the Philippines;

10 (b) Of good moral character and of sound mind;

11 (c) A holder of a master's degree in environmental planning or its
12 equivalent, preferably with a bachelor's degree in environmental planning;

13 (d) A registered environmental planner with a valid certificate of
14 registration and a professional identification card, and with at least seven (7)
15 years of practice in environmental planning prior to the appointment;

16 (e) Not a member of the faculty of any school, college or university
17 where a regular or review course in environmental planning is offered nor a
18 member of a staff of reviewers in a review school or center, and not have any
19 direct or indirect pecuniary interest in such an institution;

20 (f) A member in good standing of the APO;

21 (g) Not an officer or trustee of the APO; and

22 (h) Not convicted by a court of competent jurisdiction for an offense
23 involving moral turpitude.

24 SEC. 9. *Powers, Functions, Duties and Responsibilities of the Board.*

25 – The Board shall have the following specific powers, functions, duties and
26 responsibilities:

27 (a) Prescribe and adopt the rules and regulations necessary to carry out
28 the provisions of this Act;

1 (b) Supervise the registration, licensure and practice of environmental
2 planning in the Philippines;

3 (c) *Administer oaths in connection with the administration of this Act;*

4 (d) Issue, suspend, revoke or reinstate certificates of registration for the
5 practice of environmental planning;

6 (e) Adopt an official seal of the Board;

7 (f) Determine and prepare the contents of licensure examination; score
8 and rate the examination papers and submit the results thereof to the
9 Commission;

10 (g) Adopt and promulgate a Code of Ethics and a Code of Technical
11 Standards issued by the duly accredited professional organization;

12 (h) Ensure, in coordination with the Commission on Higher Education
13 (CHED) or other authorized government offices, that all higher educational
14 instruction and offering of environmental planning comply with the policies,
15 standards and requirements of the course prescribed by the CHED or other
16 authorized government offices in the areas of curriculum, faculty, library and
17 facilities;

18 (i) Monitor the conditions affecting the practice of the environmental
19 planning profession and adopt measures necessary for the enhancement of the
20 profession;

21 (j) Investigate violations of this Act and its rules and regulations, Code
22 of Ethics, Code of Technical Standards, policy and measure as may come to its
23 knowledge and, for this purpose, issue subpoena and subpoena *duces tecum* to
24 secure the appearance of witnesses and exhibition of the documents and other
25 evidences necessary in connection with the performance of its functions;

26 (k) Delegate the conduct of hearing or investigation of administrative
27 cases filed before the Board;

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

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

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

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

26 SEC. 12. *Grounds for Removal or Suspension of the Chairperson and*
27 *Members of the Board.* – The President of the Philippines, upon the
28 recommendation of the Commission, after due process and administrative

1 investigation conducted by the Commission, may remove or suspend the
2 chairperson and/or members of the Board on any of the following grounds:

3 (a) Gross neglect, incompetence or dishonesty in the discharge of one's
4 duty;

5 (b) Violation of any of the causes/grounds and the prohibited acts
6 provided in this Act and the offenses in the Revised Penal Code, Republic Act
7 No. 3019, otherwise known as the "Anti-Graft and Corrupt Practices Act", and
8 other laws; and

9 (c) Manipulation or rigging of the results of the licensure examination
10 for the practice of environmental planning, disclosure of secret and
11 confidential information on the examination questions prior to the conduct
12 thereof, or tampering of grades. The Commission, in the conduct of the
13 investigation, shall be guided by Section 7(s) of Republic Act No. 8981, the
14 rules on administrative investigation and the applicable provisions of the new
15 Rules of Court.

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

20 ARTICLE III

21 EXAMINATION AND REGISTRATION

22 SEC. 14. *Registration Required.* – Upon the effectivity of this Act, no
23 person shall practice or offer to practice environmental planning in the
24 Philippines without having obtained from the Board and the Commission a
25 certificate of registration and a professional identification card or a
26 temporary/special permit.

1 SEC. 15. *Examination Required.* – Unless provided otherwise under
2 this Act, all applicants for registration for the practice of environmental
3 planning shall be required to pass the professional licensure examination as
4 herein provided, subject to the payment of fees prescribed by the Commission.
5 Examinations for the practice of environmental planning in the Philippines
6 shall be given by the Board at least once every year in such places and dates as
7 the Commission may designate in accordance with the provisions of Republic
8 Act No. 8981.

9 SEC. 16. *Rating in the Licensure Examination.* – To pass the licensure
10 examination, each person must obtain a weighted average of not less than
11 seventy *per centum* (70%) and a rating of not less than fifty *per centum* (50%)
12 in any examination subject.

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

15 (a) History, concepts, theories and principles of environmental
16 planning;

17 (b) Environmental planning process, methods/techniques and
18 strategies; and

19 (c) Environmental plan implementation, legal aspects and
20 administration.

21 These subject areas shall include topics and subtopics in accordance
22 with the syllabi or tables of specifications of subjects for licensure
23 examinations by the Board, in consultation with the academe and the APO.
24 The subject areas and syllabi may be revised as the need arises to conform to
25 changes and new developments brought about by trends in the profession.

26 SEC. 18. *Qualifications for Examination.* – Any person applying to
27 take the licensure examination as herein provided shall establish to the
28 satisfaction of the Board that one has the following qualifications:

1 (a) A citizen of the Philippines or a foreign citizen whose country or
2 State has reciprocity agreement in the practice of the profession;

3 (b) A holder of any of the following degrees from duly recognized
4 schools, colleges or universities accredited by the CHED:

5 (1) A master's degree in environmental planning, urban/city and
6 regional planning, or town and country planning or its equivalent;

7 (2) A post-graduate diploma in environmental planning, city and
8 regional planning or its equivalent, and with at least one (1) year on-the-job
9 training as required herein;

10 (3) A bachelor's degree in environmental planning, urban/city and
11 regional planning, or town and country planning or its equivalent, and with two
12 (2) years of on-the-job training as required herein;

13 (4) A master's or doctorate degree in either architecture, engineering,
14 ecology, economics, geography, public administration, business administration,
15 sociology, social science, law, environmental science, environmental
16 management, development management, natural resources planning and
17 development and related disciplines acceptable to the Board, and with three (3)
18 years of on-the-job training as required herein: *Provided*, That a person falling
19 under this paragraph may be allowed to take the licensure examination only
20 within the next ten (10) years after the effectivity of this Act;

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

27 (6) Incumbent holders of planning positions in the national, regional or
28 local government offices or agencies including government-owned and

1 -controlled corporations who have been engaged in development planning
2 functions acceptable to the Board: *Provided*, That they are holders of
3 professional civil service eligibility and they must have undergone at least
4 eighty (80) hours of in-service training or distance learning in developmental
5 planning from a government agency, school or institution accredited by proper
6 authorities: *Provided, further*, That a person falling under this paragraph may
7 be allowed to take the licensure examination only within the next five (5) years
8 after the effectivity of this Act;

9 (c) Of good moral character; and

10 (d) Not convicted of an offense involving moral turpitude by a court of
11 competent jurisdiction.

12 The on-the-job training required in this section must be undertaken
13 under the supervision of a registered environmental planner or the applicant's
14 immediate supervisor in an agency or organization acceptable to the Board,
15 which is engaged or involved in environmental planning functions or
16 programs.

17 *SEC. 19. Issuance of Certificate of Registration and Professional*
18 *Identification Card.* -- A certificate of registration shall be issued to those who
19 are registered with or without licensure examination, subject to the payment of
20 fees prescribed by the Commission. It shall bear the signatures of the
21 chairperson of the Commission and of the chairperson and members of the
22 Board, stamped with the official seal of the Commission and of the Board,
23 certifying that the person named therein is entitled to the practice of the
24 profession with all the privileges appurtenant thereto. Until withdrawn,
25 revoked or suspended in accordance with this Act, it shall remain in full force
26 and effect.

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

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

7 (a) Convicted of an offense involving moral turpitude by a court of
8 competent jurisdiction;

9 (b) Found guilty of immoral or dishonorable conduct by the Board;

10 (c) Summarily adjudged guilty for violation of the General Instructions
11 to Examinees by the Board; and

12 (d) Declared of unsound mind by a court of competent jurisdiction.

13 In refusing such registration, the Board shall give the applicant a written
14 statement setting forth the reasons therefor and shall file a copy thereof in its
15 records.

16 SEC. 21. *Revocation or Suspension of the Certificate of Registration*
17 *and Cancellation of Temporary/Special Permit.* -- The Board shall have the
18 power, upon notice and hearing, to revoke or suspend the certificate of
19 registration of a registered and licensed environmental planner or to cancel a
20 temporary/special permit granted to a foreign environmental planner, for
21 violation of any ground or case as provided in Section 20 of this Act, except
22 paragraph (c) thereof, and on any of the following grounds:

23 (a) Violation of a provision of this Act, its implementing rules and
24 regulations, Code of Ethics, Code of Technical Standards for the practice of
25 environmental planning, policy and measure of the Board and/or the
26 Commission;

27 (b) Perpetration or use of fraud in obtaining the certificate of
28 registration, professional identification card or temporary/special permit;

1 (c) Gross incompetence, negligence or ignorance resulting to death,
2 injury or damage;

3 (d) Refusal to join or to remain a member in good standing of the APO;

4 (e) Neglect or failure to pay the annual registration fees for five (5)
5 consecutive years;

6 (f) Non-renewal of the professional identification card after the lapse
7 of five (5) consecutive years;

8 (g) Aiding or abetting the illegal practice of a non-registered and
9 non-licensed environmental planner by allowing the use of the certificate of
10 registration and/or professional identification card or temporary/special permit;

11 (h) Illegally practicing the profession during the suspension from the
12 practice thereof; and

13 (i) Addiction to a drug or alcohol abuse impairing one's ability to
14 practice the profession or declaration by a court of competent jurisdiction that
15 one is of unsound mind.

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

19 Any person, firm or association may file charges against any registrant
20 in accordance with the provisions of this section, or the Board may investigate
21 violations of any of the abovementioned causes. An affidavit-complaint shall
22 be filed together with the affidavits of witnesses and other documentary
23 evidence with the Board through the Legal and Investigation Office. An
24 investigation conducted *motu proprio* shall be embodied in a formal charge to
25 be signed by at least a majority of the members of the Board. The rules on
26 administrative investigation issued by the Commission shall govern the hearing

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

6 (a) The consulting firm, partnership, corporation or association applies
7 for and is issued a certificate of registration by the Board and the Commission
8 to engage in the practice of environmental planning in the Philippines:
9 *Provided,* That majority of the partners of the partnership are registered and
10 licensed environmental planners: *Provided, further,* That the majority of the
11 members of the board of directors or members thereof shall be registered
12 environmental planners; and

13 (b) The practice of the consulting firm, partnership, corporation or
14 association in environmental planning shall be carried out by duly registered
15 environmental planners.

16 SEC. 25. *Use of Seal.* -- All registered environmental planners shall
17 obtain a seal of such design as the Board shall authorize and direct: *Provided,*
18 That the serial number of the certificate issued by the Board shall be included
19 in the design of the seal. Plans, designs and programs prepared by or under
20 direct supervision of a registered environmental planner shall be stamped with
21 the said seal during the life of the registrant's certificate, and it shall be
22 unlawful for anyone to stamp or seal any document with the said seal after the
23 certificate of the registrant named thereon shall have expired or shall have been
24 revoked, unless said certificate shall have been renewed or reissued.

25 SEC. 26. *Continuing Professional Education.* -- The Board, in
26 consultation with the academe and the APO, shall prescribe guidelines in the
27 implementation of its Continuing Professional Education (CPE) programs,
28 subject to the approval of the Commission.

1 SEC. 27. *Foreign Reciprocity.* – No foreigner shall be admitted to the
2 examination or be given a certificate of registration or be entitled to any of the
3 privileges under this Act unless the country of which he or she is a subject or
4 citizen specifically permits Filipino environmental planners to practice within
5 its territorial limits on the same basis as the subjects or citizens of such foreign
6 state or country.

7 SEC. 28. *Temporary/Special Permits for Foreign Environmental*
8 *Planners.* – The practice of foreign environmental planners in the Philippines
9 shall be governed by the provisions of Republic Act No. 8981, otherwise
10 known as the “PRC Modernization Act of 2000”: *Provided,* That foreign
11 nationals who have gained entry in the Philippines to perform professional
12 services as environmental planners, render such services, prepare or produce
13 such documents as are within the scope of practice of environmental planners
14 as set forth in this Act such as, but not limited to, being consultants in foreign-
15 funded or assisted projects of the government, employed or engaged by
16 Filipino or foreign contractors or private firms, whether or not the
17 nomenclature of the profession is specifically called in their country of
18 nationality as environmental planning, but who do not meet or wish to comply
19 with the requirements for admission to take the licensure examination shall,
20 before assuming the duties, functions and responsibilities as environmental
21 planners or consultants, secure a temporary/special permit from the Board,
22 subject to the approval of the Commission and the Department of Labor and
23 Employment (DOLE), to practice the profession in connection with the project
24 to which they were commissioned: *Provided,* That the following conditions
25 are satisfied:

1 (a) That the foreign nationals are citizens or subjects of a country
2 which specifically permits *Filipino professionals to practice their profession*
3 within the territorial limits on the same basis as the subjects or citizens of such
4 foreign country or State;

5 (b) That they are legally qualified to practice environmental planning,
6 urban/city and regional planning, town and country planning or human
7 settlements planning in their own country, and that their expertise is necessary
8 and advantageous to the Philippines, particularly in the aspects of technology
9 transfer and specialization;

10 (c) That they shall be required to work with a Filipino counterpart and
11 professional fees and services and expenses of documentation pertaining to the
12 project shall be proportionately shared by both foreign and Filipino
13 environmental planners, including liabilities and taxes due to the Philippine
14 government, if any, relative to their participation therein, or professional
15 services rendered to the project in accordance with established rules and
16 regulations; and

17 (d) That they shall obtain an employment permit from the DOLE:
18 *Provided*, That the employment permit may be issued to a non-resident alien or
19 to the applicant-employer after a determination of the nonavailability of a
20 person in the Philippines who is competent, able and willing at the time of
21 application to perform the services for which the foreign nationals are desired:
22 *Provided, further*, That the applicants' country of nationality observes
23 reciprocal conditions for Filipino nationals.

24 **SEC. 29. *Indication of Certificate of Registration and Professional Tax***
25 ***Receipt.*** – The environmental planner shall be required to indicate one's
26 certificate of registration, including the professional tax receipt number on the
27 document one signs, uses or issues in connection with the practice of one's
28 profession.

1 SEC. 30. *Unlawful Practices Under This Act.* – It shall be unlawful
2 for any person or group of persons to:

3 (a) Offer or render planning services as defined in Section 4 hereof or
4 within the scope of Section 5 of this Act unless one is a registered
5 environmental planner;

6 (b) Cause, induce, encourage or coerce the preparation of or implement
7 any plan that is not signed by a registered environmental planner, when such
8 plan is so required by this Act, to be signed by a registered environmental
9 planner;

10 (c) Amend, revise, duplicate or make copies of plans, designs,
11 programs and other documents prepared, signed and sealed by an
12 environmental planner without consent;

13 (d) Sign one's name, affix one's seal or use any other method of
14 *signature on plans, specifications or other documents prepared by another*
15 *environmental planner; or*

16 (e) Sign for any branch of the work or any function in environmental
17 planning practice not actually performed, except for the environmental
18 planner-in-charge who shall be fully responsible for all plans, specifications
19 and other documents issued under one's seal or authorized signature.

20 SEC. 31. *Integration of the Profession.* – All environmental planners
21 shall be integrated into one (1) national organization that is duly registered
22 with the Securities and Exchange Commission (SEC). The Board, subject to
23 approval by the Commission, shall accredit the said organization as the one
24 and only integrated and accredited national organization of environmental
25 planners. All environmental planners whose names appear in the Registry
26 Book of Environmental Planners shall *ipso facto* or automatically become
27 members thereof and shall receive thereto all the benefits and privileges upon

1 payments of the APO membership fees and dues. Membership in an affiliate
2 organization of environmental planners shall not be barred.

3 ARTICLE V

4 ENFORCEMENT OF THE ACT AND PENAL PROVISIONS

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

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

22 SEC. 34. *Civil Liability of Environmental Planners.* – The
23 environmental planner-of-record in charge of the preparation of an
24 environmental plan as well as other members of the environmental planning
25 team involved in the preparation thereof may be held civilly liable in cases of
26 serious or wholesale damage, failure or destruction of any project subject of or
27 covered by an environmental plan that resulted in significant adverse impact on
28 affected stakeholders or the concerned ecosystem, within a period of ten (10)

1 years from the time of preparation of such plan; in cases where it is determined
2 by a court of competent jurisdiction that such damage, failure or destruction
3 was foreseeable and may be directly attributed to gross negligence on the part
4 of such environmental planner-of-record and/or environmental planning team
5 member or members, or to highly deficient or inappropriate environmental
6 planning methods, strategies, tools or techniques at variance with generally
7 accepted environmental planning principles, methods and standards.

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

11 SEC. 35. *Penal Provisions.* – Any person who commits any of the
12 unlawful practices under Section 30 hereof and/or any of the following acts
13 shall, upon conviction, be sentenced by imprisonment of not less than six (6)
14 months nor more than five (5) years or a fine of not less than One hundred
15 thousand pesos (P100,000.00) nor more than Five hundred thousand pesos
16 (P500,000.00), or both, at the discretion of the court:

17 (a) *Engaging in the practice of environmental planning in the*
18 *Philippines without having been registered or without having conformed to the*
19 *provisions of this Act;*

20 (b) *Presenting or attempting to use as one's own the certificate of*
21 *registration and/or professional identification card of another registered*
22 *environmental planner or a holder of a temporary/special permit;*

23 (c) *Giving any false or forged evidence of any kind to the Board or*
24 *impersonating any registered environmental planner or a holder of a*
25 *temporary/special permit;*

26 (d) *Using a revoked or suspended certificate of registration or an*
27 *expired or un-renewed professional identification card or temporary/special*
28 *permit;*

1 (e) Using in connection with one's name or otherwise assuming, using
2 or advertising any title or description tending to convey the impression that one
3 is an environmental planner without holding a valid certificate of registration
4 and professional identification card or a valid temporary/special permit;

5 (f) Implementing or causing the implementation of any plan not
6 prepared and signed by a registered environmental planner in those cases
7 where this Act requires that these be prepared and signed by such a registered
8 environmental planner; and

9 (g) Violating any of the provisions of this Act and the rules and
10 regulations thereof.

11 In case the offender is a corporation, partnership, association,
12 foundation or juridical person, the penalty of imprisonment shall be imposed
13 on the environmental planner-in-charge jointly and solidarily with the
14 responsible professionals as well as the controlling officer or officers thereof
15 responsible for permitting or causing the violation.

16 ARTICLE VI

17 TRANSITORY PROVISIONS

18 SEC. 36. *Transitory Provisions.* – Within a period of five (5) years
19 from the effectivity of this Act, local government units may continue to issue
20 appointments to persons who are not registered environmental planners
21 belonging to positions of local planning and development coordinators, or
22 chiefs of local planning and development offices, only on a temporary status or
23 acting capacity.

24 The incumbent chairperson and members of the Board shall, in an
25 interim capacity, continue to carry out their functions under the provisions of
26 this Act without need for new appointments as chairperson and members
27 thereof until the first Board, created under this Act, shall have been constituted
28 or organized pursuant thereto.

ARTICLE VII

FINAL PROVISIONS

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3 SEC. 37. *Appropriations.* – The Chairperson of the Professional
4 Regulation Commission shall immediately include in the Commission's
5 programs the implementation of this Act, the funding of which shall be
6 included in the annual General Appropriations Act and thereafter.

7 SEC. 38. *Legal Effect on Other Professions.* – This Act shall not
8 affect or prevent the practice of any other legally recognized profession.

9 SEC. 39. *Implementing Rules and Regulations.* – The Board, subject
10 to the approval of the Commission, shall prescribe, promulgate and issue the
11 implementing rules and regulations of this Act, after consultation with the
12 APO, other agencies and concerned private organizations, within ninety (90)
13 days from the effectivity of this Act.

14 SEC. 40. *Separability Clause.* – If any part or section of this Act shall
15 be declared unconstitutional, such declaration shall not invalidate the other
16 provisions hereof.

17 SEC. 41. *Repealing Clause.* – Presidential Decree No. 1308 is hereby
18 repealed. All other laws, orders, rules and regulations or resolutions or parts
19 thereof inconsistent with the provisions of this Act are hereby repealed or
20 amended accordingly.

21 SEC. 42. *Effectivity.* – This Act shall take effect fifteen (15) days
22 following its publication in the *Official Gazette* or in any newspaper of general
23 circulation.

Approved,

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