

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



Senate
Office of the Secretary

'13 AUG 22 P5:05

SENATE
S. No. 1342

RECEIVED BY: *js*

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 experience, 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 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 general welfare.

The proposed bill would authorize an engineer 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 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.*

aw
Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

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



'13 AUG 22 P5:05

SENATE
S. No. 1342

RECEIVED BY: [Signature]

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 THE ENGINEER BELIEVES IN GOOD FAITH MAY POSE A
5 DANGER TO PUBLIC HEALTH OR SAFETY

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

6 SECTION 1. *Short Title.* – This Act may be known as the “Professional Engineer’s
7 Disclosure Act.”

8 SECTION 2. *Definitions.* – For purposes of this Act, the following definitions shall
9 apply:

10 (a) "Building owner" means the owner of a building or structure, agents for the
11 building owner who manage or lease the building or structure, or any client of the engineer who
12 has an ownership or other interest in the building or structure.

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

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

18 SECTION 4. *Right to Disclose.* – A contract between an engineer and a building owner
19 shall not contain any provision that would limit or otherwise interfere with the engineer's right to
20 disclose pursuant to Section 3 of this Act.

1 SECTION 5. *Non-Liability on Disclosure.* – A building owner shall not threaten, or
2 initiate or maintain legal action against, or otherwise retaliate against an engineer due to the
3 engineer's disclosure or ability to disclose pursuant to Section 3.

4 An engineer shall also not be civilly liable to a building owner because of any disclosure
5 made pursuant to Section 3.

6 SECTION 6. *Non-Liability of Government Personnel.* – A governmental official who
7 receives a disclosure pursuant to Section 3 of this Act shall have the same immunity from
8 liability as that applicable under Section 5 of this Act.

9 SECTION 7. *Penalties.* – In addition to any other penalties authorized by law, a building
10 owner who requires that an engineer enter into a contract that violates Section 4 of this Act, shall
11 be liable to a fine of not less that Ten Thousand Pesos (₱10,000.00).

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

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

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

Approved,