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BY REPRESENTATIVES RODRIGUEZ (R.), RODRIGUEZ (M.), SALVACION, UNGAB, PAQUIZ, PIAMONTE, MACROHON-NUÑO, REYES, BELLO (S.), NOGRALES, TINIO, ESCUDERO, ABAYON, BRAVO (A.), GUANLAO, PRIMICIAS-AGABAS AND TEJADA, PER COMMITTEE REPORT NO. 999

AN ACT STRENGTHENING, MODERNIZING, AND ALIGNING THE PRACTICE OF AGRICULTURAL ENGINEERING IN THE COUNTRY INTO THE INTERNATIONALLY RECOGNIZED PRACTICE OF AGRICULTURAL AND BIOSYSTEMS ENGINEERING, AND APPROPRIATING FUNDS THEREFOR, REPEALING FOR THE PURPOSE REPUBLIC ACT NO. 8559, OTHERWISE KNOWN AS THE "PHILIPPINE AGRICULTURAL ENGINEERING ACT OF 1998"

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

ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Title.* – This Act shall be known as the "Philippine Agricultural and Biosystems Engineering Act".

SEC. 2. *Statement of Policy.* – It is hereby declared a policy of the State to promote, strengthen, and regulate the practice of agricultural and biosystems engineering profession in the Philippines by instituting measures that will result in relevant agricultural and biosystems engineering

education and better career prospects for agricultural and biosystems engineers.

Likewise, the State hereby guarantees the application and delivery of agricultural and biosystems engineering services to accelerate agricultural and fishery modernization; and ensure food and water security, bioenergy development, natural resources conservation, environmental protection and human health and safety by fostering the training and development of adequate and well-trained agricultural and biosystems engineers in the country.

SEC. 3. *Coverage of this Act.* – This Act shall cover the following aspects of the practice of the profession of agricultural and biosystems engineering:

(a) Examination, registration and licensure of agricultural and biosystems engineers;

(b) Supervision, control and regulation of the practice of agricultural and biosystems engineering;

(c) Development, upgrading and updating of the curriculum of the agricultural and biosystems engineering profession in coordination with the Commission on Higher Education (CHED) and the concerned state universities and colleges (SUCs);

(d) Development and improvement of the professional competence and practice of agricultural and biosystems engineers through, among others, continuing professional development (CPD) and career progression and specialization; and

(e) Integration of all agricultural and biosystems engineers under one national integrated and accredited professional organization (APO) of agricultural and biosystems engineers which shall be recognized by the Board of Agricultural and Biosystems Engineering and the Professional Regulation Commission (PRC).

SEC. 4. *Definition of Terms.* – As used in this Act:

(a) *Agricultural and Biosystems Engineering* refers to the application of engineering science and designs to the processes and systems involved in the sustainable production, post production and processing of safe food, feed, fiber, timber, and other agricultural and biological materials, and the efficient utilization, conservation, and management of natural and renewable resources in order to enhance human health in harmony with the environment. Agricultural and biosystems consist of crops, forestry and other plants, poultry, livestock, fisheries and aquaculture resources, and other animals, wildlife, and other living things;

(b) *Agricultural and Biosystems Engineer* refers to a person who is registered and licensed to practice agricultural and biosystems engineering in the country and who holds a valid certificate of registration and professional identification card from the Board of Agricultural and Biosystems Engineering and the PRC;

(c) *Agricultural and Biosystems Power and Machinery* refers to farm power and machinery for the production, harvest, processing, storage, manufacture, preservation, transport, and distribution of agricultural and biological products/materials; and includes tractors and their attachments, power tillers, seeders, transplanters, windmills, harvesting machines, crop protection and maintenance equipment, irrigation equipment and accessories, greenhouses and other thermal conditioning equipment, livestock, poultry, fishery and forest equipment, slaughtering equipment, meat/fishery and crop processing equipment, post harvest machines such as milling machines, dryers, threshers, grain and other strippers, and agricultural transport machinery and storage;

(d) *Agricultural and Biosystems Buildings and Structures* refer to buildings and structures for the production, harvest, processing, storage,

manufacture, preservation, transport, and distribution of agricultural and biological products/materials, including soils and its components, agricultural and biosystems machinery and equipment sheds, farm houses, green/screen houses, poultry houses, piggery houses, slaughterhouses, farm-to-market roads, farm bridges, agricultural and biological products storage/warehouse, buildings and structures for poultry, livestock, fishery, and forestry production and processing, kiln drying and lumber treatment structure, farm equipment, farm supplies, and other structures such as self feeders, and soil and water conservation structures;

(e) *Agricultural and Bio-Processing* refers to local activity or series of activities to maintain or raise the quality or change the form or characteristics of agricultural, fishery, forestry and biological products/materials, and includes cleaning, sorting, grading, treating, drying, dehydrating, grinding, mixing, milling, canning, dressing, slaughtering, freezing, pasteurizing, conditioning, packaging, repacking, and transporting of agricultural, fishery, forestry and other biologiocal products/materials;

(f) *Agricultural and Biological Waste Utilization and Management* refers to the development of systems, processes, and equipment for agricultural and biosystems waste disposal and utilization, and environment-friendly technologies such as compost plants, biogas plants, and biomass utilization technologies, systems, and processes;

(g) *Agricultural and Bio-Information System* refers to the utilization of information systems, database, and other information management tools for agricultural use, biological systems modeling to understand the mutual response between life and the environment, and application of Geographic Information System (GIS) technology for inventory, analysis, and management of agricultural and biological resources, and remote sensing technology for observation and examination of the landscape and its local forms and agricultural activities;

(h) *Agricultural and Biosystems Automation and Instrumentation* refers to the use and application of agricultural and biosystems sensors such as computer models for control and automation in the agricultural and fishery production industry and the biological systems and likewise, robotics for farm operation when use of machines are difficult or impossible, agricultural and biosystems machine design and automated controls, precision farming systems, agricultural safety and controlled-environment agriculture, and the development and application of metrology equipment such as moisture meters, weighing scale and other metrology equipment;

(i) *Agricultural and Biosystems Resource Conservation and Management* refers to measures of conservation and proper management of agricultural and biological resources such as area development for agriculture, settlement and recreation, parks and plant nurseries, beneficial ecosystem of life and environment, study and analysis of agricultural system as an integrated component of landscape, monitoring and conservation of natural resources, rehabilitation of forest, lakes, rivers, and idle lands, and the sustainable development, management, and exploitation of the agricultural ecosystem;

(j) *Accredited Professional Organization* refers to the integrated and accredited professional organization of agricultural and biosystems engineers duly accredited by the Professional Regulatory Board of Agricultural and Biosystems Engineering and the PRC, hereinafter referred to as "APO";

(k) *Bachelor of Science in Agricultural and Biosystems Engineering* refers to the tertiary or higher education program which provides graduates with a Baccalaureate Agricultural and Biosystems Engineering Degree and shall hereinafter be referred to as BSABE. This program is effectively promulgated under enabling Policies, Standards, and Guidelines (PSG) issued by the CHED in coordination with the Board of Agricultural and Biosystems Engineering or relevant SUCs, or both;

(l) *Irrigation* refers to the artificial application of water to the soil to assist in the growing of agricultural and forest crops, maintenance of landscapes, and revegetation of disturbed soils in dry areas and during periods of inadequate rainfall, and shall include drip, sprinkler, shallow tube well and other pressurized irrigation system, national and communal irrigation systems, surface and ground water resource management, and irrigation structures and facilities such as dams, weirs, pump systems, conveyances, canals, and flumes;

(m) *Professional Regulatory Board of Agricultural and Biosystems Engineering* refers to the administrative body created by law to supervise and regulate the practice of agricultural and biosystems engineering and the ultimate authority in the practice of the agricultural and biosystems engineering profession in the Philippines, hereinafter referred to as the Board; and

(n) *Soil and Water Conservation* refers to measures that control soil and water degradation and enhance farm productivity, and shall consist of small farm reservoir, farm ponds, small water impoundments, contour farming, terracing, soil erosion control, land conditioning and mulching, and flood control.

SEC. 5. *Scope of Practice of Agricultural and Biosystems Engineering.* – The practice of agricultural and biosystems engineering, within the meaning and intent of this Act, shall embrace the following:

(a) Preparation of engineering designs, plans, specifications, project studies, feasibility studies, and estimates of irrigation and drainage, soil and water conservation and management systems and facilities, agrometeorological systems, agricultural and biosystems power and machinery, agricultural and biosystems buildings and structures, renewable/bio-energy systems and farm electrification, agricultural and bio-processing and post harvest facilities and system, agricultural and biological waste utilization and management, agricultural and bio-information

system, agricultural and biosystems resource conservation and management, and agricultural and bio-automation and instrumentation system;

(b) Supervision or management of the construction, operation, and maintenance of irrigation and drainage, soil and water conservation and management systems and facilities, agrometeorological systems, agricultural and biosystems power and machinery, agricultural and biosystems buildings and structures, renewable/bio-energy systems and farm electrification, agricultural and bio-processing and post harvest facilities and system, agricultural and biological waste utilization and management, agricultural and bio-information system, agricultural and biosystems resource conservation and management, and agricultural and bio-automation and instrumentation system;

(c) Valuation, appraisal, investigation, inspection, monitoring, and technical audit on agricultural and biosystems machineries and equipment, structures, and facilities, and agricultural and biosystems engineering projects;

(d) Program/Project development and management, planning, evaluation, and consultancy services on agricultural and biosystems engineering undertakings;

(e) Conduct of research and development, training and extension on agricultural and biosystems engineering;

(f) Testing, evaluation, and inspection of agricultural and biosystems machinery, and other related agricultural and biosystems engineering facilities, equipment, and projects;

(g) Manufacture, distribution, installation, and sale of agricultural and biosystems machinery and other related agricultural and biosystems engineering facilities and equipment;

(h) Teaching or conduct, or both, of lectures on agricultural and biosystems engineering subjects in learning institutions in the Philippines;

(i) Preparation and evaluation of farm development plans, farm suitability maps, and land use maps/reports for agricultural, livestock and poultry, fishery, aquaculture, and forest production and processing;

(j) Training and supervision of agri-fishery machinery technicians and operators of agri-fishery machinery service centers/pools, and agricultural and biosystems engineering technicians and operators in agricultural and biosystems plants, establishments, facilities, and projects;

(k) Employment with the government and private firms and establishments provided such item or position requires the knowledge and expertise of an Agricultural and Biosystems Engineer, or the duties and responsibilities cover the scope of the practice of agricultural and biosystems engineering; and

(l) Participation in the preparation of environmental studies for agricultural, fisheries, agro-industrial, and biosystems projects, and its monitoring under the Environmental Impact Assessment (EIA) System;

The Board, subject to approval of the PRC, may add to, or exclude from, this section any activity or act of professional practice, or revise it as the need arises to conform to changes and new developments brought about by the latest trends in agricultural and biosystems engineering.

ARTICLE II

PROFESSIONAL REGULATORY BOARD OF AGRICULTURAL AND BIOSYSTEMS ENGINEERING

SEC. 6. *Creation and Composition of the Board.* – There is hereby created the Professional Regulatory Board of Agricultural and Biosystems Engineering, hereinafter referred to as the Board, a collegial body which shall be under the administrative supervision and control of the PRC. The Board shall be composed of a Chairperson and two (2) members to be appointed by the President of the Philippines from among those recommended by the PRC from the five (5) nominees for each position submitted by the integrated and

APO of agricultural and biosystem engineers. The Board shall be organized not later than six (6) months from the effectivity of this Act.

SEC. 7. *Qualifications of Members of the Board.* – A member of the Board shall, at the time of appointment, possess the following qualifications:

(a) Must be a Filipino citizen and resident of the Philippines;

(b) Must be at least thirty-five (35) years of age;

(c) Must have been conferred a Bachelor's Degree in Agricultural and Biosystems Engineering, or its equivalent, from a university duly recognized by the government of the Philippines or abroad;

(d) Must be a registered Agricultural and Biosystems Engineer with a valid professional license and an active practitioner for not less than ten (10) years prior to the appointment;

(e) Must not have been, for a period of three (3) consecutive years prior to the appointment, a member of the faculty, part-time or full-time, of any school, academy, institute, college or university where a regular course in Agricultural Engineering or Agricultural and Biosystems Engineering is being taught; nor have any direct or indirect pecuniary interest therein; nor be exercising administrative supervision over any such learning institutions;

(f) Must not have been, for a period of three (3) consecutive years prior to the appointment, connected with a review center or any group or association where review classes or lectures in preparation for the licensure examinations are offered or conducted at the time of appointment;

(g) Must be a member in good standing of the integrated APO for at least five (5) years, but not an incumbent officer or trustee thereof; and

(h) Has never been convicted of any offense involving moral turpitude.

SEC. 8. *Term of Office.* – The Chairperson and members of the Board shall hold office for a term of three (3) years from the date of appointment or until their successors shall have been qualified and appointed. They may be reappointed in the same office for another term of three (3) years immediately

after the expiry of their term: *Provided,* That the holding of such position shall not be more than two (2) terms or not more than six (6) years: *Provided, further,* That the first Board appointed under this Act shall hold these terms of office: the Chairperson for three (3) years, the first member for two (2) years, and the second member for one (1) year: *Provided, finally,* That an appointee to a vacancy shall serve only the unexpired portion of the term of office. The Chairperson and the members shall duly take their oaths of office before a duly authorized officer.

SEC. 9. *Compensation and Allowances of the Board.* – The Chairperson and members of the Board shall receive compensation and allowances comparable to the compensation and allowances of the Chairperson and members of existing Professional Regulatory Boards under the PRC in the General Appropriations Act.

SEC. 10. *Vacancy and Removal of Board Members.* – Any vacancy in the Board occurring within the term of a member shall be filled for the unexpired portion of the term only. The President may remove the Chairperson or any member of the Board on the following grounds:

(a) Gross neglect, incompetence or dishonesty in the discharge of duty;

(b) Violation or tolerance of any violation of this Act or the Code of Ethics for agricultural and biosystems engineering;

(c) Involvement in the manipulation, tampering, or rigging of the licensure examination, its questions or its results, or both, and in the disclosure of classified and confidential information pertaining to the licensure examination;

(d) Final judgment of crimes involving moral turpitude; and

(e) Unprofessional, unethical, immoral or dishonorable conduct.

The Chairperson or member concerned shall be given due notice and hearing where the right to be heard and to defend oneself, assisted by counsel, shall be respected in the proper administrative investigation.

SEC. 11. *Powers and Duties of the Board.* – The Board shall exercise the following specific powers, functions and duties:

(a) Promulgate and adopt the rules and regulations necessary for carrying out the provisions of this Act;

(b) Supervise the registration, licensure and practice of agricultural and biosystems engineering in the Philippines;

(c) Administer oaths of successful examinees entering the practice of agricultural and biosystems engineering;

(d) Issue the certificate of registration to successful examinees;

(e) Issue, suspend or revoke the license for the practice of agricultural and biosystems engineering profession;

(f) Adopt an official seal of the Board;

(g) Look into the conditions affecting the practice of the agricultural and biosystems engineering profession through the conduct of ocular inspections and monitoring in agricultural and biosystems engineering offices, plants, or establishments, both public and private, and in the case of schools, in coordination with the CHED, and whenever necessary adopt such measures, including promulgation of agricultural and biosystems engineering standards, rules and regulations, and best practices for the enhancement and maintenance of high professional and ethical standards of the profession, and the formulation and implementation of an agricultural and biosystems engineering profession development plan/road map;

(h) Prescribe and/or adopt, and enforce a Code of Ethical and Professional Standards for the practice of the agricultural and biosystems engineering profession;

(i) Hear and try administrative cases involving violations of this Act, its implementing rules and regulations, the Code of Ethics for agricultural and biosystems engineers and for this purpose, to issue *subpoena ad testificandum*

and *subpoena duces tecum* to secure the appearance of witnesses and the production of documents in connection therewith;

(j) Prescribe guidelines in the CPD Program for agricultural and biosystems engineers in coordination with the integrated and APO of Agricultural and Biosystems Engineers;

(k) Ensure, in coordination with the CHED or SUCs, or both, that all educational institutions offering agricultural and biosystems engineering education comply with the policies, standards, and requirements of the course prescribed by the CHED in the areas of curriculum, faculty, library and facilities;

(l) Prepare, adopt, issue, or amend the syllabi of the subjects for examinations including its Table of Specifications in consultation with the academe, and cause the determination and preparation of questions for the licensure examination which shall strictly be within the scope of the syllabi of the subjects for examinations as well as administer, correct, and release the result of the licensure examinations;

(m) Approve, issue, limit, or revoke the special/temporary permit (STP) to practice agricultural and biosystems engineering and issue a cease or desist order to any person, association, partnership, corporation, or cooperative engaged in violation of any provision of this Act, or any agricultural and biosystems engineering standards and/or rules or regulations duly promulgated by the Board as part of the rules governing the practice of agricultural and biosystems engineering in the Philippines;

(n) Punish for contempt of the Board, both direct and indirect, in accordance with the pertinent provision of and penalties prescribed by, the Rules of Court;

(o) Perform regulatory, administrative, and quasi-legislative functions as mandated under Republic Act No. 8981, otherwise known as the "PRC

Modernization Act of 2000", and such other functions as may be necessary to implement the provisions of this Act;

(p) Discharge such other duties and functions as may be deemed necessary for the enhancement of the agricultural and biosystems engineering profession and the upgrading, development and growth of agricultural and biosystems engineering education in the Philippines; and

(q) Accreditation of specialty organization.

All policies, resolutions, rules and regulations of the Board shall be subject to the review and approval of the PRC.

SEC. 12. *Supervision of the Board; Custodian of its Records, Secretariat and Support Services.* – The Board shall be under the administrative control and supervision of the PRC. All records of the Board, including applications for examination, examination papers and results, minutes of deliberation, administrative cases and other investigations involving agricultural and biosystems engineers shall be kept by the PRC.

The PRC shall designate the Secretary of the Board and shall provide the secretariat and other support services to implement the provisions of this Act.

SEC. 13. *Annual Report.* – The Board shall, at the close of each calendar year, submit an annual report to the President through the PRC giving a detailed account of its proceedings and accomplishments during the year and making recommendations for the adoption of measures that will upgrade and improve the conditions affecting the practice of agricultural and biosystems engineering in the Philippines.

ARTICLE III

EXAMINATION, REGISTRATION AND LICENSE

SEC. 14. *Examination Required.* – All applicants for registration to practice agricultural and biosystems engineering shall be required to undergo and pass the licensure examination as provided for in this Act.

SEC. 15. *Qualification of an Applicant for Examinations.* – An applicant for the examination for agricultural and biosystems engineers shall possess the following qualifications:

(a) A citizen of the Philippines or a foreign citizen whose country or State has a policy on reciprocity in the practice of the profession;

(b) A graduate of Bachelor of Science in Agricultural and Biosystems Engineering or its equivalent, or Bachelor of Science in Agricultural Engineering prior to or ten (10) years after the approval of this Act in a school, academy, institute, college, or university duly recognized by the CHED; and

(c) Of good moral character.

SEC. 16. *Fraudulent Application.* – The Board may suspend or revoke any certificate of registration obtained through misrepresentation made in the application for examination.

SEC. 17. *Scope of Examination.* – The licensure examination for agricultural and biosystems engineers shall cover the required competencies for the entry level of the practice of agricultural and biosystems engineering and shall include the following subjects:

(a) Agricultural and Biosystems Power, Energy and Machinery Engineering which include agricultural power and bio-energy, machine design and analysis, and machinery management and mechanization of agricultural and bio-production systems;

(b) Land and Water Resources Engineering which include agrometeorology, irrigation and drainage engineering, soil and water conservation, and aquaculture engineering;

(c) Agricultural and Biosystems Structures and Environment Engineering which include agricultural structures engineering, forest engineering, design and management of agricultural and biosystems structures, and bio-environmental design;

(d) Agricultural and Bio-process Engineering which include refrigeration and cold storage, agri-industrial and biosystems application of electrical energy and electronics, agricultural products process engineering, and food and bio-based products process engineering;

(e) Project Management, Feasibility Study Preparation/Evaluation, Research, Development and Extension on Agricultural and Biosystems Engineering;

(f) Fundamentals of Agricultural, Fishery, Ecological and Environmental Sciences;

(g) Mathematics and Basic Engineering Principles;

(h) Laws, Professional Standards and Ethics; and

(i) Other subjects within the areas of competencies required for the practice of the agricultural and biosystems engineering profession pursuant to Section 5 of this Act.

The subjects and their syllabi may be periodically amended by the Board so as to conform with the latest technological changes brought about by continuing trends in the profession.

SEC. 18. *Rating in the Board Examinations.* – To pass the Board examination for agricultural and biosystems engineers, a candidate must obtain a weighted general average of seventy percent (70%), with no grades lower than fifty-five percent (55%) in any given subject. However, an examinee who obtains a weighted general average rating of seventy percent (70%) or higher but obtains a rating below fifty-five percent (55%) in any given subject must take the examination in the subject or subjects where the grade obtained is below fifty-five percent (55%).

SEC. 19. *Report of Ratings.* – The Board shall submit to the PRC the ratings obtained by each candidate within ten (10) days after the examination, unless extended for just cause. Upon the release of the results of the examination, the Board shall send by mail the rating received by each

examinee at the given address using the mailing envelope submitted during the examination.

SEC. 20. *Reexamination.* – An applicant who fails to pass the examination for the third time shall be allowed to take another examination only after the lapse of one (1) year and only after having undertaken a refresher program in a duly accredited institution. The Board shall issue guidelines on the refresher program requirement.

SEC. 21. *Oath.* – All successful candidates in the examination shall be required to take their oath before the PRC, the Board, or any government official authorized to administer oaths, prior to entering the practice of the agricultural and biosystems engineering profession.

SEC. 22. *Issuance of Certificate of Registration and Professional Identification Card.* –

(a) A certificate of registration (COR) shall be issued to an applicant after payment of fees prescribed by the PRC. It shall bear the signatures of the Chairperson of the PRC and of the Chairperson and members of the Board, stamped with the official seal of the PRC and of the Board, certifying that the person named therein is entitled to practice the profession, with all the privileges appurtenant thereto. Until withdrawn, revoked or suspended in accordance with this Act, the COR shall remain in full force and effect.

(b) A professional identification card bearing the registration number and its validity and expiry dates duly signed by the Chairperson of the PRC shall likewise be issued to every registrant who has paid the prescribed fees, and has submitted a certificate of membership in good standing from the APO and proof of completion of the CPD requirements. The card shall be renewed every three (3) years, subject to requirement/s as the Board may thereafter prescribe, and upon proof of completion of the mandatory CPD requirements.

Once registered, the agricultural and biosystems engineer may use Engr. as the official appendage title. No person shall practice agricultural and biosystems engineering in the country unless such person has secured a license to practice agricultural and biosystems engineering in the manner herein provided.

SEC. 23. *Refusal to Register.* – The Board shall not register any successful applicant for registration with or without licensure examination who has been:

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

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

(c) Adjudged guilty for violation of the General Instructions to Examinees by the Board;

(d) Declared of unsound mind by a court of competent jurisdiction; and

(e) Proven to be afflicted with addiction to drug or alcohol, impairing the ability to practice the profession as certified by a medical or drug testing facility accredited by the government.

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

SEC. 24. *Revocation or Suspension of the Certificate of Registration and Cancellation of Special/Temporary Permit (STP).* – The Board shall have the power, upon notice and hearing, to revoke or suspend the COR of a registered and licensed agricultural and biosystems engineer or to cancel the STP granted to a foreign agricultural and biosystems engineer, for the same grounds enumerated in Section 23 of this Act, except paragraph (c) thereof, and any of the following grounds:

(a) Violation of any provision of this Act, implementing rules and regulations, Code of Ethics, Code of Technical Standards for the practice of

agricultural and biosystems engineering, and of policies and regulatory measures of the Board and/or the PRC;

(b) Perpetration or use of fraud in obtaining the COR, professional identification card, and STP;

(c) Gross incompetence, negligence or ignorance in the conduct of the profession resulting to death, injury of a person, and/or damage to property;

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

(e) Unjustified or unexplained neglect or failure to pay the annual registration fees for five (5) consecutive years;

(f) Unjustified or unexplained nonrenewal of the professional identification card after the lapse of five (5) consecutive years;

(g) Aiding or abetting the illegal practice of a non-registered and unlicensed agricultural and biosystems engineer by, among others, allowing the use of one's COR and/or professional identification card or STP;

(h) Practicing the profession during the suspension from the practice thereof; and

(i) Addiction to a drug or alcohol abuse impairing the ability to practice the profession or being declared with unsound mind by a court of competent jurisdiction.

The Board shall periodically evaluate the aforementioned grounds and revise or add new ones as the need arises subject to approval by the PRC in order to meet the trends and developments in the profession.

SEC. 25. *Reissuance of Revoked COR, Replacement of Lost or Damaged COR, Professional Identification Card or Special/Temporary Permit.* – The Board may, upon petition, reinstate or reissue a revoked COR after two (2) years from the effectivity of the revocation, which is the date of surrender of the said certificate or the professional identification card, or both, to the Board or the PRC. The Board may not require the holder thereof to take

another licensure examination. The petitioner shall prove to the Board the valid reasons to resume the practice of the profession. For the grant of the petition, the Board shall issue a Board Resolution subject to approval by the PRC.

A duplicate copy of a lost COR, professional identification card or STP may be reissued in accordance with rules thereon and upon payment of the prescribed fee therefor.

ARTICLE IV

PRACTICE OF AGRICULTURAL AND BIOSYSTEMS ENGINEERING

SEC. 26. *Vested Rights: Automatic Registration of Practicing Agricultural and Biosystems Engineers.* – All agricultural engineers who are registered under Republic Act No. 8559 at the time this Act takes effect, shall automatically be registered as agricultural and biosystems engineers.

SEC. 27. *Seal and Use of Seal.* –

(a) Each registrant shall, upon registration, obtain the seal of such design as the Board may adopt. Plans and specifications prepared by, or under the direct supervision of a registered agricultural and biosystems engineer, shall be stamped with the seal during the validity of the professional license. No person shall stamp any document with the seal of a registrant after the professional license has expired or lost its validity unless one has been reinstated to the practice and/or unless the license has been renewed.

(b) No officer or employee of the government, chartered cities, provinces and municipalities now or hereafter charged with the enforcement of laws, ordinances, or regulations relating to the implementation, construction, repair, operation and maintenance, testing and evaluation of agricultural and biosystems buildings, structures, machineries and equipment, irrigation, soil and water conservation structures, and other agricultural and biosystems engineering facilities, shall accept or endorse any plans, designs, specifications

or project studies which have not been prepared and submitted in full accord with the provisions of this Act, nor shall any payment be approved by any such officer for any work, the plans and/or specifications of which have not been so prepared, signed and sealed by a duly registered agricultural and biosystems engineer. This provision shall be implemented by the Department of Public Works and Highways and Local Building Officials in the issuance of building permits and certificate of occupancy under the National Building Code, and by all concerned national government entities and local government units (LGUs) in the procurement and in the discharge of their regulatory and auditing functions pertaining to agricultural and biosystems buildings, structures, machineries and equipment, irrigation, soil and water conservation structures, and other agricultural and biosystems engineering facilities/projects.

(c) No agricultural and biosystems engineer shall sign one's name, affix the seal, or use any other method of signature on plans, designs, specifications, or other documents made by or under another agricultural and biosystems engineer's supervision unless the same is made in such manner as to clearly indicate the part of such work actually performed by the agricultural and biosystems engineer, and no person, except the agricultural and biosystems engineer-in-charge shall sign for any branch of the work or any function of agricultural and biosystems engineering practice not actually performed by the person. The agricultural and biosystems engineer-in-charge shall be fully responsible for all plans, designs, specifications and other documents issued with the seal or the authorized signature.

(d) Drawings, plans, designs and specifications duly signed, stamped or sealed as instruments of service are the property and documents of the agricultural and biosystems engineer, whether the project for which they were made is executed or not. No person shall duplicate or make copies of said documents for use in the repetition of and for other projects, whether executed

partly or in whole without the written consent of the agricultural and biosystems engineer or author of said documents.

(e) All drawings, plans, specifications, and other documents and reports to be used for the construction, research and extension of agricultural and biosystems buildings, structures, machineries and equipment, irrigation, soil and water conservation structures and other agricultural and biosystems engineering facilities/projects shall be signed and sealed by a licensed agricultural and biosystems engineer.

The Board shall formulate, adopt and promulgate all necessary rules and regulations for the effective implementation of the provisions relating to the design of the seal, the signing and sealing of drawings, reports and other documents by agricultural and biosystems engineers.

Violation of any of the foregoing shall be a ground for administrative and/or criminal action.

SEC. 28. *Indication of License Number and Professional Tax Receipt Number.* – The agricultural and biosystems engineer shall be required to indicate the professional license number, the duration of validity, including the professional tax receipt number on the documents issued or used in connection with the practice of the profession.

SEC. 29. *Firms, Partnerships, Corporations, Cooperatives, Associations and Foundations Engaged in Agricultural and Biosystems Engineering Practice.* – A firm, partnership, corporation, cooperative, association, or foundation may engage in the practice of agricultural and biosystems engineering in the Philippines: *Provided,* That it complies with the following requirements:

(a) The firm, partnership, corporation, cooperative, association or foundation applies for and is issued a COR by the Board and the PRC to engage in the practice of agricultural and biosystems engineering in the

Philippines: *Provided,* That the majority of the partners of the partnership are registered and licensed agricultural and biosystems engineers: *Provided, further,* That the majority of the members of the board of directors or members of corporations or cooperatives shall be registered and licensed agricultural and biosystems engineers; and

(b) The practice of the firm, partnership, corporation, cooperative, association, or foundation in agricultural and biosystems engineering shall be carried out by duly registered and licensed agricultural and biosystems engineers.

SEC. 30. *Integration of Agricultural and Biosystems Engineers.* – The agricultural and biosystems engineering profession shall be integrated into one (1) national organization registered with the Securities and Exchange Commission which shall be recognized by the Board and by the PRC as the one and only integrated and accredited association of agricultural and biosystems engineers. An agricultural and biosystems engineer duly registered with the Board shall automatically become a member of the integrated and APO of agricultural and biosystems engineers, and shall receive the benefits and privileges appurtenant thereto upon payment of the required fees and dues.

Membership in the integrated and APO shall not be a bar to membership in other associations of agricultural and biosystems engineers.

SEC. 31. *Foreign Reciprocity.* – No foreign agricultural and biosystems engineer shall be issued a temporary license to practice the agricultural and biosystems engineering profession or consultancy thereof, or be entitled to any of the rights and privileges under this Act unless the country of which the foreigner is a subject or citizen specifically permits Filipino agricultural and biosystems engineers to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.

SEC. 32. *Special/Temporary Permits for Foreign Agricultural and Biosystems Engineers.* – The practice of foreign agricultural and biosystems engineers in the Philippines shall be limited to natural persons only and shall be governed by the provisions of Republic Act No. 8981, otherwise known as the "PRC Modernization Act of 2000": *Provided,* That any foreign national who has gained entry in the Philippines to perform professional services as an agricultural and biosystems engineer or render such services or prepare or produce such documents as are within the scope of practice of agricultural and biosystems engineering as set forth in this Act, such as being a consultant in foreign-funded or assisted projects of the government or employed or engaged by a Filipino or foreign contractors or private firms, whether or not the nomenclature of one's profession is specifically called in their country of nationality as agricultural and biosystems engineer, but who does not meet or wish to comply with the requirements for admission to take the licensure examinations shall, before assuming the duties, functions and responsibilities as agricultural and biosystems engineer or consultant, secure an STP from the Board, subject to the approval of the PRC to practice the profession in connection with the project to which the foreign national was commissioned: *Provided, further,* That the following conditions are satisfied:

(a) The person is a citizen or subject of a country which specifically permits Filipino professionals to practice their profession within the territorial limits on the same basis as the subjects or citizens of such foreign state or country;

(b) The person is legally qualified to practice agricultural and biosystems engineering in one's own country, and that one's expertise is necessary and advantageous to the Philippines, particularly in the aspects of technology transfer and specialization; and

(c) The person shall be required to work with a Filipino counterpart, who is a natural person registered and licensed as an agricultural and

biosystems engineer, and the professional services fees and expenses of documentation pertaining to the project shall be proportionately shared by both foreign and Filipino agricultural and biosystems engineers, including liabilities and taxes due to the Philippine government, if any, relative to the participation therein, or professional services rendered to the project in accordance with established rules and regulations.

SEC. 33. *Positions in Government and Private Firms and Establishments With Agricultural and Biosystems Engineering Functions.* – Only registered and licensed agricultural and biosystems engineers with valid PRC license shall be appointed or designated to any position in government and private firms and establishments with agricultural and biosystems engineering functions and responsibilities which shall include the following:

(a) All levels of Engineer positions in the Agricultural Engineering or Agricultural and Fishery Engineering or Forest Engineering Bureau/Division/Section/Unit of the Department of Agriculture (DA), LGUs, and in the Department of Agrarian Reform (DAR), Department of Environment and Natural Resources (DENR), and other concerned government entities whose duties, functions and responsibilities constitute the practice of agricultural and biosystems engineering pursuant to Section 5 of this Act;

(b) All levels of instructor/professor positions in public and private schools, SUCs whose main duties and functions involve the teaching of Agricultural and Biosystems Engineering subjects for Agricultural and Biosystems Engineering Degree, Agriculture/Agribusiness Degree, Fisheries Degree and other related curriculum or degrees;

(c) All levels of science research specialist/assistant positions in government and private institutions whose main duties and functions involve research and development and training and extension on agricultural and biosystems engineering;

(d) Head or assistant head, director or manager and other executive positions of agricultural or agricultural and biosystems or agricultural and fisheries engineering or aquaculture engineering or forest engineering group, unit, section, division, bureau, department, center and branch in all national government departments or agencies, government-owned and -controlled corporations, LGUs, SUCs, and private offices, firms, and establishments;

(e) Head or assistant head, director or manager and other executive positions of a group, unit, section, division, bureau, department, center, or branch of any of the specialized areas of agricultural and biosystems engineering in government and private offices, firms, and establishments;

(f) All levels of planning officer, project evaluation officer, project development officer, development management officer, environmental management specialist and technical audit specialist positions in government and private firms and offices that deal with, or undertake any of the specialized areas of agricultural and biosystems engineering or its main functions and responsibilities which involve the planning, project development, evaluation, inspection, monitoring and technical audit of agricultural and biosystems infrastructure, facilities, machineries and processes, and other agricultural and biosystems engineering facilities; and

(g) All professional and subprofessional positions either supervisory or nonsupervisory and career executive positions in government, and all other positions in private firms, establishments, and enterprises whose duties, functions and responsibilities mainly constitute the practice of agricultural and biosystems engineering.

Moreover, registered and licensed agricultural and biosystems engineers can also qualify for appointment in all positions in government and private firms and establishments whose duties and functions partly constitute the practice of agricultural and biosystems engineering. This include, among others, Provincial/City/Municipal Engineer, Agriculturist, Building Official,

Environment and Natural Resources Officer, and Planning and Development Officer of the LGUs, subject to the candidate's compliance with the requirements imposed by the law or issuance creating the said position.

SEC. 34. *Personnel Required.* –

(a) All concerned national government entities, LGUs, and SUCs implementing, regulating, funding and undertaking research, development, training and extension, testing, evaluation and inspection, and technical audit of irrigation, farm mechanization, postharvest and agro-processing facilities, agricultural and biosystems infrastructures, farm-to-market roads, agro-meteorology, forest mechanization development programs, and environmental protection and conservation programs and projects shall employ the required number of agricultural and biosystems engineers, and for this purpose shall create various levels of agricultural and biosystems engineer positions;

(b) All agricultural and biosystems engineering facilities/projects supervised and maintained or accredited by the government such as grain/agro-processing complex, slaughterhouse, communal and national irrigation system, agricultural machinery and equipment service centers, and testing and evaluation centers must have at least one (1) registered and licensed agricultural and biosystems engineer;

(c) Firms, companies, partnerships, cooperatives or associations which are engaged in the installation, fabrication, manufacture, distribution or sale of agricultural and biosystems machinery and equipment, facilities and other agricultural and biosystems engineering processes, shall hire or engage the services of at least one (1) licensed agricultural and biosystems engineer;

(d) All contractors of irrigation, farm-to-market roads and agricultural and biosystems structures and facilities shall employ the services of at least

one (1) registered and licensed agricultural and biosystems engineer as part of their sustaining technical employees;

(e) The following offices and establishments shall also employ or engage the services of at least one (1) or the required number of registered and licensed agricultural and biosystems engineers:

(1) Agro-processing establishments such as rice mills, feed mills, sugar mills, coconut oil mills, fiber extraction processing plants, meat processing plants, fish processing plants, poultry and meat processing plants, food processing plants and agricultural and fishery products storage facilities;

(2) Agro-industrial firms or establishments, corporations, and cooperatives and government entities engaged in agricultural, livestock, poultry and fishery production and processing, the operation and maintenance of plant/forest nurseries, parks, and other agricultural and biosystems engineering endeavors;

(3) Financing and banking institutions engaged in providing credit and financial assistance on agribusiness which are commercial in nature such as irrigation, post harvest facilities, agro-processing and storage, forest products, aquaculture, food and fiber production facilities and machineries; and

(4) Consultancy firms, foundations, nongovernment organizations and other organized groups engaged in providing agricultural and biosystems engineering services relative to management and consultancy, training and extension, research and development and/or the provision of irrigation, post harvest facilities, agro-processing and storage, forest products, aquaculture, food and fiber production facilities and machineries, and soil and water conservation: *Provided,* That there shall be no understaffing and/or overloading of agricultural and biosystems engineers. The ratio of agricultural and biosystems engineers to clientele shall be such as to reasonably effect a sustained quality of agricultural and biosystems engineering services at all times without overworking the agricultural and biosystems engineers.

The Board shall promulgate guidelines and standards on the required manpower complement of agricultural and biosystems engineers in concerned public and private offices and establishments.

SEC. 35. *National Career Progression and Specialization Program.* – There shall be an institutionalized national agricultural and biosystems engineering career progression and specialization program to be formulated by the Board in consultation with the APO, the Civil Service Commission, and concerned government agencies: *Provided,* That any agricultural and biosystems engineer, before being allowed to work in specialty areas to perform beyond generalist function or have specific specialties, must complete the formal education or training towards specialization, possess recognized practice competencies, must be certified by the Board, and must be a member of a relevant and accredited agricultural and biosystems specialty organization: *Provided, further,* That agricultural and biosystems engineering specialty organizations shall be recognized and certified by the Board.

The Agricultural and Biosystems Engineering Specialization shall include the following:

(a) Agricultural and Biosystems Power and Machinery;
(b) Irrigation and Drainage Engineering;
(c) Soil and Water Conservation Engineering;
(d) Agricultural and Biosystems Buildings and Structures;
(e) Agricultural and Bioprocess Engineering;
(f) Food Engineering;
(g) Renewable/Bio-Energy and Farm Electrification;
(h) Agricultural and Biological Waste Management;
(i) Aquacultural Engineering;
(j) Forest Engineering;
(k) Agricultural and Biosystems Automation and Instrumentation;
(l) Agricultural and Bio-Information System;

(m) Agrometeorology; and

(n) Agricultural and Biological Resource Conservation and Management.

SEC. 36. *Code of Technical Standards.* – The existing Philippine Agricultural Engineering Standards (PAES) shall be transformed into a Philippine Agricultural and Biosystems Engineering (PABES) and shall serve as the Code of Technical Standards by all registered and licensed agricultural and biosystems engineers in the practice of their profession. The Board shall, in collaboration with the integrated and APO of agricultural and biosystems engineers, DA, Department of Science and Technology, DENR and other concerned government agencies and private organizations, develop new standards, and update the existing standards under the PABES.

ARTICLE V

AGRICULTURAL AND BIOSYSTEMS ENGINEERING EDUCATION AND CONTINUING EDUCATION DEVELOPMENT

SEC. 37. *Curriculum Development and Updating.* – The CHED shall, in consultation with the Board and the industry stakeholders and concerned SUCs, develop and continuously update the Agricultural and Biosystems Engineering Curriculum in accordance with required competencies on the practice of the profession prescribed under this Act, in order to align with international standards of agricultural and biosystems engineering education and practice, and to become responsive to the industry requirements.

The Technical Education and Skills Development Authority (TESDA) shall likewise include in its program, the development and promulgation of competency standards and training regulations for agricultural and biosystems engineering technicians and operators.

SEC. 38. *Rationalization and Upgrading Program.* – The CHED shall, in collaboration with the Board, the DA, the DENR, the DOST, the TESDA, the concerned SUCs and the Department of Education (DepED), and in

consultation with the industry stakeholders, formulate and implement a rationalization and upgrading program on agricultural and biosystems engineering education in the country for the purpose of upgrading and modernizing school facilities and equipment, faculty development and training, provision of scholarships, developing ladderized program on agricultural and biosystems engineering, and other developmental undertakings to produce globally competitive agricultural and biosystems engineering graduates, professionals, technicians, and operators.

All concerned Higher Education Institutions (HEIs) shall formulate and implement their Agricultural and Biosystems Engineering Education Competitiveness Road Map as part of the Philippine Agricultural and Biosystems Engineering Profession Development Plan/Road Map and shall serve as one of the bases in the provision of grants by the government for the upgrading program.

SEC. 39. *Career Guidance and Advocacy.* – The Board and the PRC shall, in collaboration with the Department of Labor and Employment (DOLE), the Philippine Overseas Employment Administration, the CHED, the DepED, the DA, the DENR, the Department of Trade and Industry, APO and other concerned government agencies and private organizations, formulate and implement a Career Guidance and Advocacy Program on Agricultural and Biosystems Engineering. The Program shall include the conduct of research studies on the supply and demand and qualifications of the agricultural and biosystems engineering profession both local and abroad, employment promotion and entrepreneurship assistance for Filipino agricultural and biosystems engineers, and integration of the practical application of agricultural and biosystems engineering in basic education.

SEC. 40. *Continuing Professional Development (CPD).* – The Board and the PRC shall, in consultation with the academe, APO, concerned government agencies and stakeholders, shall prescribe guidelines in the

implementation of the CPD programs for agricultural and biosystems engineers. The CPD for each agricultural and biosystems engineer registered under the PRC is hereby mandatory in the practice of profession. The CPD credit units earned by the agricultural and biosystems engineer shall be required in the renewal of professional license and accreditation systems for advance level of practice and for ASEAN Chartered Professional Engineer, Asia-Pacific Economic Cooperation (APEC) Engineer, and other international accreditations.

The CPD credit units earned by an agricultural and biosystems engineer shall likewise be applied as the training requirement for promotion of positions in government agencies and private firms, and for teaching positions in academic institutions, and shall be accumulated subject to credit transfer under the Pathways and Equivalencies of the Philippine Qualification Framework.

ARTICLE VI

ENFORCEMENT OF THIS ACT AND PENAL PROVISIONS

SEC. 41. *Enforcement.* – It shall be the primary duty of the PRC and the Board to effectively implement and enforce the provisions of this Act and its implementing rules and regulations, conduct investigations on complaints including violations of the Code of Ethics and Professional Standards of the profession and prosecute the same when so warranted.

Furthermore, all duly constituted law enforcement agencies and offices of national, provincial, city, or municipal governments, or of any political subdivision thereof, shall upon the call or request of the Board or the PRC, render assistance in enforcing the provisions of this Act and to prosecute any person violating the provisions of the same. Any person may bring before the PRC and the Board, of the aforementioned officers of the law, cases of illegal practice or violations of this Act committed by any person or party.

The Board shall assist the PRC in filing the appropriate charges through the concerned prosecution office in accordance with law and the Rules of Court.

SEC. 42. *Penalties*. – In addition to the administrative sanctions imposed under this Act, any person who violates any of the provisions of this Act, or commits any of the following acts shall, upon conviction, be penalized by a fine not less than one hundred thousand pesos (P100,000.00) nor more than five hundred thousand pesos (P500,000.00), or imprisonment of not less than six (6) months nor more than five (5) years, or both fine and imprisonment, at the discretion of the court:

(a) Engaging in the practice of agricultural and biosystems engineering in the Philippines without being registered or without conforming to the provisions of this Act;

(b) Presenting or attempting to use the COR and/or professional identification card of another registered agricultural and biosystems engineer or a holder of an STP;

(c) Giving any false or forged evidence of any kind to the Board, or impersonating any registered agricultural and biosystems engineer or a holder of an STP;

(d) Using a revoked or suspended COR, or an expired or unrenewed professional identification card or STP;

(e) Using in connection with the name or otherwise assuming, using, or advertising any title or description tending to convey the impression that a person is an agricultural and biosystems engineer without holding a valid COR and professional identification card or a valid STP;

(f) Implementing or causing the implementation of any plans, designs, technical specifications, and other documents not prepared and signed by a registered agricultural and biosystems engineer in those cases where this Act

requires that these be prepared and signed by such a registered agricultural and biosystems engineer; and

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

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

ARTICLE VII

TRANSITORY AND FINAL PROVISIONS

SEC. 43. *Transitory Provision.* – The incumbent Chairperson and members of the Board of Agricultural Engineering shall, in an interim capacity, continue to carry out their functions under the provisions of this Act without need for new appointments as Chairperson and members thereof until the first Board, created under this Act, shall have been constituted or organized pursuant thereto.

SEC. 44. *Appropriations.* – The Chairperson of the PRC shall immediately include in the Commission's programs the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 45. *Implementing Rules and Regulations.* – The Board shall adopt and promulgate rules and regulations subject to the approval of the PRC, not later than sixty (60) days from the effectivity of this Act.

SEC. 46. *Separability Clause.* – If any clause, provision, paragraph or part hereof shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof, but such judgment shall

be merely confined to the clause, provision, paragraph or part directly involved in the controversy in which such judgment has been rendered.

SEC. 47. *Repealing Clause.* – Republic Act No. 8559 is hereby repealed. All other laws, decrees, executive orders and other administrative issuances and parts thereof which are inconsistent with the provisions of this Act are hereby modified or superseded.

SEC. 48. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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