

S. No. 3138

H. No 4692

Republic of the Philippines
Congress of the Philippines
Metro Manila

Fifteenth Congress

Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-third day of July, two thousand twelve.



[REPUBLIC ACT NO. **10587**]

AN ACT REGULATING THE PRACTICE OF ENVIRONMENTAL PLANNING, REPEALING FOR THE PURPOSE PRESIDENTIAL DECREE NUMBERED ONE THOUSAND THREE HUNDRED AND EIGHT, ENTITLED "LAW REGULATING THE ENVIRONMENTAL PLANNING PROFESSION IN THE PHILIPPINES", AND FOR OTHER PURPOSES

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 "Environmental Planning Act of 2013".

SEC. 2. *Declaration of Policy.* – The State recognizes the importance of environmental planning in nation-building and development. Hence, it shall develop and nurture competent, virtuous, productive and well-rounded professional environmental planners whose standards of practice and service shall be excellent, world-class and globally competitive through honest, effective, relevant and credible licensure examinations and through regulatory programs, measures and activities that foster their professional growth, social responsibility and development.

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

(a) Examination, registration and licensure of environmental planners;

(b) Supervision, control and regulation of the practice of environmental planning;

(c) Development, upgrading and updating of the curriculum of the environmental planning profession; and

(d) Development and improvement of the professional competence and practice of environmental planners through, among others, continuing professional education and development.

SEC. 4. *Definition of Terms.* –

(a) *Environmental planning*, also known as urban and regional planning, city planning, town and country planning, and/or human settlements planning, refers to the multi-disciplinary art and science of analyzing, specifying, clarifying, harmonizing, managing and regulating the use and development of land and water resources, in relation to their environs, for the development of sustainable communities and ecosystems.

(b) *Environmental planner* refers to a person who is registered and licensed to practice environmental planning and who holds a valid Certificate of Registration and a valid Professional Identification Card from the Board of Environmental Planning and the Professional Regulation Commission.

(c) *Accredited Professional Organization (APO)* refers to the duly integrated and accredited professional organization of environmental planners, of which there shall be only one as prescribed by Republic Act No. 8981, the Comprehensive Professional Code, and in Section 32 of this Act.

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

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

1. National, regional or local development and/or physical framework and comprehensive land-use plans;

2. Zoning and related ordinances, codes and other legal issuances for the development and management, preservation, conservation, rehabilitation, regulation and control of the environment, including all land, water, air and natural resources;

3. Planning and development of a barangay, municipality, city, province, region or any portion or combination thereof; and

4. Development of a site for a particular need or special purpose, such as economic or ecological zones; tourism development zones; and housing and other estate development projects, including the creation of any other spatial arrangement of buildings, utilities, transport and communications;

(b) In relation to any of the activities enumerated in paragraph (a).above, preparing the following studies:

1. Pre-feasibility, feasibility and other related concerns;

2. Environmental assessments; and

3. Institutional, administrative or legal systems;

(c) Curriculum and syllabi development in licensure examinations for environmental planners and teaching in

academic institutions and conducting review courses in environmental planning;

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

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

The Professional Regulatory Board, subject to approval of the Professional Regulation Commission, 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 environmental planning; and

(f) Perform other acts or conduct other activities that may be determined by the Board, subject to approval by the Professional Regulation Commission in light of the trend of the practice of the profession.

ARTICLE II

PROFESSIONAL REGULATORY BOARD OF ENVIRONMENTAL PLANNING

SEC. 6. *Professional Regulatory Board of Environmental Planning.* — There is hereby created a Professional Regulatory Board of Environmental Planning, hereinafter referred to as the Board, which shall be composed of a Chairperson and two (2) Members under the administrative control and supervision of the Professional Regulation Commission, hereinafter referred to as the Commission. They shall be appointed by the President of the Philippines from a list of three (3) recommendees for each position, ranked by the Commission from a list of five (5) nominees for each position, and submitted by the APO of environmental planners.

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

SEC. 7. *Term of Office.* – The Chairperson and the Members of the Board shall hold office for a term of three (3) years from the date of their appointment or until their successors shall have qualified and been appointed. They may be reappointed to their positions for another term of three (3) years immediately after the expiry of their terms: *Provided*, That the holding of such position shall not be for more than two (2) terms nor more than six (6) years, whichever is longer: *Provided, further*, That the first Board 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, furthermore*, That any appointee to a vacancy with an unexpired term shall only serve such period. The Chairperson and the Members shall take their oath of office before discharging the functions of their positions.

SEC. 8. *Qualifications of Board Members.* – Each member of the Board shall, at the time of his/her appointment, possess the following qualifications:

- (a) A citizen and resident of the Philippines;
- (b) Of good moral character and of sound mind;
- (c) A holder of a Master's Degree in Environmental Planning or its equivalent;
- (d) A registered and licensed environmental planner with a valid Certificate of Registration and a Professional Identification Card and with at least seven (7) years of practice in environmental planning prior to his/her appointment;
- (e) Not a member of the faculty of any school, college or university where a regular academic course or review course in environmental planning is offered, nor a member of a staff of reviewers in a review school or center and does not have any direct or indirect pecuniary interest in such an institution;
- (f) A member in good standing but not an officer or trustee thereof of the APO; and

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

SEC. 9. *Powers, Duties and Responsibilities of the Board.* - The Board shall have the following specific powers, duties and responsibilities:

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

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

(c) Administer oaths in connection with the implementation of this Act;

(d) Issue, suspend, revoke or reinstate Certificate of Registration for the practice of environmental planning;

(e) Adopt an official seal of the Board;

(f) Prepare the contents of licensure examination, score and rate the examination papers and submit the results thereof to the Commission;

(g) Adopt and promulgate a Code of Ethics and a Code of Technical Standards issued by the APO;

(h) Assist the Commission on Higher Education (CHED) to ensure that all instruction and offering of environmental planning comply with the policies, standards and requirements of the course prescribed by the CHED or other authorized government offices in the areas, among others, of curriculum, faculty, library and facilities;

(i) Adopt measures necessary for the enhancement of the profession;

(j) Investigate officially reported violations of this Act and its rules and regulations, Code of Ethics, Code of Technical Standards, policies and measures and for this purpose issue *subpoena* and *subpoena duces tecum* to secure the appearance of witnesses and submission of the documents and other

evidences necessary in connection with the performance of its functions;

(k) Seek the assistance of the Commission in the conduct of hearing or investigation of administrative cases filed before the Board;

(l) Promulgate decisions on such administrative cases;

(m) Discharge such other powers and duties that may affect professional, ethical and technological standards of the environmental planning profession in the Philippines; and

(n) Perform such other functions and responsibilities in accordance with the provisions of Republic Act No. 8981, otherwise known as the "Professional Regulation Commission (PRC) Modernization Act of 2000".

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

SEC. 10. *Compensation of the Board.* – The Chairperson and Members of the Board shall receive compensation and allowances comparable to the compensation and allowances received by the Chairpersons and Members of other existing professional regulatory boards under the Commission as provided for by the General Appropriations Act.

SEC. 11. *Administrative Supervision of the Board, Custodian of its Records, Secretariat and Support Services.* – The Board shall be under the administrative supervision of the Commission. All records of the Board, including applications for examinations, and administrative and other investigative hearings conducted by the Board shall be under the custody of the Commission. The Commission shall designate the Secretary of the Board and shall provide the secretariat and other support services to implement the provisions of this Act.

SEC. 12. *Grounds for Disciplinary Action on Suspension or Removal of the Chairperson/Members of the Board.* – The President of the Philippines, upon the recommendation of the Commission, after due process and administrative investigation conducted by the Commission, may remove or suspend a Chairperson or Member of the Board on any of the following grounds:

(a) Gross negligence, incompetence or dishonesty in the discharge of his/her duty;

(b) Commission of any of the prohibited acts provided in this Act and the offenses in the Revised Penal Code, Republic Act No. 3019, otherwise known as the “Anti-Graft and Corruption Practices Act”, and other laws;

(c) Manipulation, tampering or rigging of the results of the licensure examination for the practice of environmental planning; and

(d) Unlawful disclosure of secret and confidential information on the examination questions or other administrative matters pertaining thereto prior to the conduct thereof.

The Commission, in the conduct of the investigation, shall be guided by Section 7(s) of Republic Act No. 8981, the Rules on Administrative Investigation, and the applicable provisions of the New Rules of Court.

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

ARTICLE III

EXAMINATION AND REGISTRATION

SEC. 14. *Registration Required.* – Upon the effectivity of this Act, no person shall practice or offer to practice environmental planning in the Philippines without having obtained from the Board and the Commission a Certificate of

Registration and a Professional Identification Card or a Temporary/Special Permit.

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

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

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

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

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

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

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

SEC. 18. *Qualifications for Taking the Examination.* – Any person applying to take the licensure examination as

herein provided shall establish to the satisfaction of the Board that he/she has 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 holder of any of the following degrees from schools, colleges or universities duly recognized and accredited by the CHED:

1. A graduate in environmental planning, urban/city and regional planning, or town and country planning or its equivalent;

2. A Post-Graduate Diploma in Environmental Planning, city and regional planning or its equivalent, and with at least one (1) year of on-the-job training as required herein;

3. A Bachelor's Degree in Environmental Planning, city planning or urban and regional planning, or town and country planning, or its equivalent, and with two (2) years of on-the-job training as required herein;

4. A masters or doctorate degree in either architecture, engineering, ecology, economics, geography, geology, public administration, business administration, sociology, social science, law, environmental science, environmental management, development management, natural resources planning and development, and related disciplines acceptable to the Board, and with three (3) years of on-the-job training as required herein: *Provided*, That a person falling under this paragraph shall be allowed to take the licensure examination only within the next five (5) years from the effectivity of this Act;

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

6. Incumbent holders of planning positions in the national, regional or local government offices or agencies including government-owned and -controlled corporations and have been engaged in development planning functions acceptable to the Board: *Provided*, That they are holders of professional civil service eligibility and they have undergone at least eighty (80) hours of in-service training or distance learning in developmental planning from a government agency, school or institution recognized by proper authorities: *Provided, further*, That a person falling under this paragraph may be allowed to take the licensure examination only within the next five (5) years after the effectivity of this Act.

(c) Of good moral character; and

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

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

SEC. 19. *Issuance of Certificate of Registration and Professional Identification Card.* - (a) A Certificate of Registration shall be issued to those who are registered after payment of fees prescribed by the Commission. It shall bear the signatures of the Chairperson of the Commission and of the Chairperson and Members of the Board, stamped with the official seal of the Commission and of the Board, certifying that the person named therein is entitled to the practice of the profession, with all the privileges appurtenant thereto. Until withdrawn, revoked or suspended in accordance with this Act, the Certificate of Registration 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 Commission 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. The said card shall be renewed every three

(3) years upon mandatory proof of completion of continuing professional education.

SEC. 20. *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; and

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

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. 21. *Revocation or Suspension of the Certificate of Registration and Cancellation of Temporary/Special Permit.* – The Board shall have the power, upon notice and hearing, to revoke or suspend the Certificate of Registration of a registered and licensed environmental planner or to cancel a Temporary/Special Permit granted to a foreign environmental planner, for the same grounds enumerated in Section 20 of this Act, except paragraph (c) hereof, 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 environmental planning, and of policies and regulatory measures of the Board and/or the Commission, and Code of Good Governance;

(b) Perpetration or use of fraud in obtaining his/her Certificate of Registration, Professional Identification Card, Temporary/Special Permit;

(c) Gross incompetence, negligence or ignorance in the conduct of the profession resulting to death, injury of persons 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 non-renewal of the Professional Identification Card after the lapse of five (5) consecutive years;

(g) Aiding or abetting the illegal practice of a nonregistered and unlicensed environmental planner by, among others, allowing him/her to use his/her Certificate of Registration and/or Professional Identification Card or his/her Temporary/Special Permit;

(h) Illegally practicing the profession during his/her suspension from the practice thereof; and

(i) Addiction to a drug or alcohol abuse impairing his/her ability to practice his/her profession or 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 Commission in order to meet the trends and developments in the profession.

SEC. 22. *Filing of Charges.* - Any person, firm or association may file charges against any registrant in accordance with the provisions of Section 21, or the Board may investigate violations of any of the abovementioned provisions. An affidavit-complaint shall be filed, together with the affidavits of witnesses and other documentary evidence with the Board through the Commission's Legal and Investigation Office. The *motu proprio* action to conduct an investigation shall be embodied in a formal charge to be signed by at least a majority of the Members of the Board. The rules on administrative investigation issued by the Commission shall govern the hearing or investigation, subject to applicable

provisions of this Act, Republic Act No. 8981 and the Rules of Court.

SEC. 23. *Reissuance of Revoked Certificate of Registration, Replacement of Lost or Damaged Certificate of Registration, Professional Identification Card or Temporary/Special Permit.* – The Board may, upon petition, reinstate or reissue a revoked Certificate of Registration after two (2) years from the effectivity of the revocation, which is the date of surrender of the said certificate and/or the Professional Identification Card to the Board and/or the Commission. The Board may not require the holder thereof to take another licensure examination. The petitioner shall prove to the Board that he/she has valid reasons to resume the practice of his/her profession. For the grant of his/her petition, the Board shall issue a Board Resolution subject to approval by the Commission.

A duplicate copy of a lost Certificate of Registration, Professional Identification Card or Temporary/Special Permit may be reissued in accordance with rules thereon and upon payment of the prescribed fee therefor.

ARTICLE IV

PRACTICE OF ENVIRONMENTAL PLANNING

SEC. 24. *Vested Rights – Licensed Environmental Planners Registered When This Law is Passed.* – All environmental planners who are already duly registered with the Board under Presidential Decree No. 1308 and are holders of valid Professional Identification Cards issued by the Commission, and who are in good standing with the APO of environmental planners at the effectivity of this Act shall be deemed automatically registered under this Act.

Certificates of Registration and valid Professional Identification Cards held by such persons in good standing shall have the same force and effect as though issued after the passage of this Act.

SEC. 25. *Consulting Firms, Partnerships, Corporations, Associations and Foundations Engaged in Environmental Planning Practice.* – A consulting firm, partnership,

corporation, association or foundation may engage in the practice of environmental planning in the Philippines: *Provided*, That it complies with the following requirements:

(a) The consulting firm, partnership, corporation or association applies for and is issued a Certificate of Registration by the Board and the Commission to engage in the practice of environmental planning in the Philippines: *Provided*, That the majority of the partners of the partnership are registered and licensed environmental planners: *Provided, further*, That the majority of the Members of the Board of Directors or Members of corporations shall be registered and licensed environmental planners; and

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

SEC. 26. *Use of Seal.* – All registered and licensed environmental planners shall obtain a seal of such design as the Board shall authorize and direct: *Provided*, That the serial number of the certificate issued by the Board shall be included in the design of the seal. Plans, designs and programs prepared by or under direct supervision of a registered and licensed environmental planner shall be stamped with the said seal during the life of the registrant's certificate, and it shall be unlawful for any one to stamp or seal any document with the said seal after the certificate of the registrant named thereon shall have expired or shall have been revoked, unless said certificate shall have been renewed or reissued.

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

SEC. 28. *Foreign Reciprocity.* – A foreign citizen may be allowed to take the licensure examination and may be given a Certificate of Registration and Professional Identification Card if he/she can prove that the country or State of which he/she is a subject or citizen allows a Filipino environmental planner to practice his/her profession within its territorial limits on

the same basis as the subjects or citizens of such foreign State or country.

SEC. 29. *Special/Temporary Permits for Foreign Environmental Planners.* – The practice of foreign environmental planners 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 “Professional Regulation Commission (PRC) Modernization Act of 2000”: *Provided, That* any foreign national who has gained entry in the Philippines to perform professional services as an environmental planner or render such services or prepare or produce such documents as are within the scope of practice of environmental planners as set forth in this Act, such as, but not limited to, being a consultant in foreign-funded or assisted projects of the government or employed or engaged by Filipino or foreign contractors or private firms, whether or not the nomenclature of his/her profession is specifically called in his/her country of nationality as environmental planner, 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 environmental planner or consultant, secure a Temporary/Special Permit from the Board, subject to the approval of the Commission and the Department of Labor and Employment (DOLE), to practice his/her profession in connection with the project to which he/she was commissioned: *Provided, That* the following conditions are satisfied:

(a) That he/she 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 country or State;

(b) That he/she is legally qualified to practice environmental planning in his/her own country, and that his/her expertise is necessary and advantageous to the Philippines, particularly in the aspects of technology transfer and specialization;

(c) That he/she shall be required to work with a Filipino counterpart, a natural person who is a registered and licensed environmental planner, and professional services fees and expenses of documentation pertaining to the project shall be proportionately shared by both foreign and Filipino

environmental planners, including liabilities and taxes due to the Philippine government, if any, relative to his/her participation therein, or professional services rendered to the project in accordance with established rules and regulations; and

(d) That he/she shall obtain an employment permit from the DOLE: *Provided*, That the employment permit may be issued to a non-resident alien or to the applicant-employer after a determination by the Commission and the Board of the non-availability of a person in the Philippines who is competent, able and willing at the time of application to perform the services for which the foreign expert is being invited.

SEC. 30. *Information Required on Plans.* – The environmental planner shall be required to indicate his/her Certificate of Registration (CR), and/or PRC Identification Card, APO Certificate of Membership and Professional Tax Receipt (PTR) numbers, date and place of issuance and expiry on all plans and other documents signed by him/her.

SEC. 31. *Unlawful Practices Under this Act.* – It shall be unlawful for any person or group of persons to:

(a) offer or render planning services as defined in Section 4 or within the scope of Section 5 of this Act when he/she is not a registered and licensed environmental planner;

(b) cause, induce, encourage or coerce the preparation of or implementation any plan that is not signed by a registered and licensed environmental planner, when such plan is so required by this Act to be signed by a registered and licensed environmental planner;

(c) amend, revise, duplicate or make copies of plans, designs, programs and other documents prepared, signed and sealed by a registered and licensed environmental planner without his/her explicit and written consent; and

(d) sign his/her name, affix his/her seal or use any other method of signature on plans, specifications or other documents not actually prepared by him/her.

SEC. 32. *Accredited Professional Organization (APO) of Environmental Planners.* – All registered and licensed environmental planners shall organize themselves into one (1) national organization that is duly registered with the Securities and Exchange Commission (SEC). The Board, subject to approval by the Commission, shall accredit the said organization as the one and only accredited national organization of registered and licensed environmental planners. All environmental planners whose names appear in the Registry Book of Environmental Planners shall automatically become members thereof and shall receive thereto all the benefits and privileges upon payment of APO membership fees and dues. Membership in other organizations of environmental planners shall not be barred.

ARTICLE V

ENFORCEMENT OF THIS ACT AND PENAL PROVISIONS

SEC. 33. *Enforcement by Government Officials and Officers of the Law.* – It shall be the duty of all government officials and duly constituted law officers of the national, provincial, city or municipal government to assist the Board and the Commission in enforcing the provisions of this Act and to cause the prosecution of any person violating the same.

SEC. 34. *Positions in Government with Environmental Planning Functions.* – The Civil Service Commission (CSC) shall create positions and set qualification standards for environmental planners at various levels in government service, including government-owned and -controlled corporations and other entities. After the lapse of five (5) years from the effectivity of this Act, only registered and licensed environmental planners shall be appointed to the position of heads and assistant heads of groups, departments, divisions in government offices, agencies, bureaus or instrumentalities thereof, including government-owned and -controlled corporations, provinces, cities and municipalities, and such other positions which require the knowledge, skills and competence and qualifications of registered and licensed environmental planners. Appointments made thereafter in violation hereof shall be considered null and void.

SEC. 35. *Civil Liability of Environmental Planners.* –

The environmental planner in charge of the preparation of an environmental plan and related documents, as well as other members of the planning team involved in the preparation thereof, may be held civilly liable in cases of serious, large-scale or wholesale damage, failure or destruction of any project subject of or covered by an environmental plan, that result in significant adverse impact on affected stakeholders or the concerned ecosystem, within a period of ten (10) years from the time of implementation of such plan. These are in cases where it is determined by a court of competent jurisdiction that such damage, failure or destruction was foreseeable and could have been anticipated, and are directly caused by gross negligence on the part of such environmental planner and/or the environmental planning team member or members, or to highly deficient or inappropriate environmental planning methods, strategies, tools or techniques at variance with generally accepted environmental planning principles, methods and standards.

The government or any affected stakeholder may bring an action to enforce such liability within five (5) years from the time the damage or destruction occurs.

SEC. 36. *Penal Provisions.* – Any person committing any of the unlawful practices under Section 31 hereof and/or any of the following acts shall, upon conviction, be sentenced by imprisonment of not less than six (6) months nor more than five (5) years or a fine of not less than One hundred thousand pesos (Php100,000.00) nor more than Five hundred thousand pesos (Php500,000.00), or both, at the discretion of the court:

(a) Engaging in the practice of environmental planning in the Philippines without having been registered and licensed or without having conformed to the provisions of this Act;

(b) Presenting or attempting to use as his/her own the Certificate of Registration and/or Professional Identification Card of another registered and licensed environmental planner; or a holder of a Temporary/Special Permit;

(c) Giving any false, forged or tampered evidence of any kind to the Board, or impersonating any registered and

licensed environmental planner or a natural person who is a holder of a Temporary/Special Permit;

(d) Using a revoked or suspended Certificate of Registration or an expired or unexpired Professional Identification Card or Temporary/Special Permit;

(e) Using in connection with his/her name or otherwise assuming, using or advertising any title or description tending to convey the impression that he/she is a registered and licensed environmental planner without holding a valid Certificate of Registration and Professional Identification Card or a valid Temporary/Special Permit;

(f) Implementing or causing the implementation of any plan not prepared and signed by a registered and licensed environmental planner; and

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

Any Filipino employer who hires foreign practitioners without obtaining a special permit for the latter shall also be held liable under this Act.

In case the offender is a corporation, partnership, association, foundation or juridical person, the penalty of imprisonment shall be imposed on the registered and licensed environmental planner-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 VI

TRANSITORY PROVISIONS

SEC. 37. *Transitory Provisions.* —

(a) Within a period of three (3) years from the effectivity of this Act, local government units may continue to issue appointments to persons who are not registered and licensed environmental planners for the positions of national or local planning and development coordinators, or chiefs of local

planning and development offices, only on a temporary status or acting capacity.

(b) The incumbent Chairperson and Members of the Board 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.

ARTICLE VII

FINAL PROVISIONS

SEC. 38. *Appropriations.* – The Chairperson of the Commission shall immediately include in its programs the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act and thereafter.

SEC. 39. *Act Not Affecting Other Professions.* – This Act shall not affect or prevent the practice of any other legally-recognized profession.

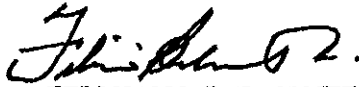
SEC. 40. *Implementing Rules and Regulations.* – The Board, subject to approval of the Commission, shall prescribe, promulgate and issue the implementing rules and regulations of this Act, after consultation with the APO, other agencies and concerned private organizations, within one hundred twenty (120) days from the constitution of the Board.

SEC. 41. *Separability Clause.* – If any part or section of this Act shall be declared unconstitutional, such declaration shall not invalidate the other provisions hereof.

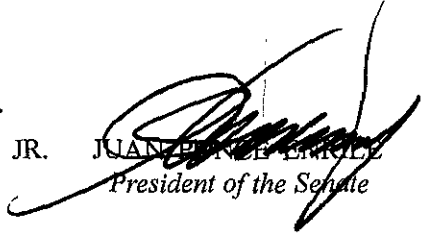
SEC. 42. *Repealing Clause.* – Presidential Decree No. 1308 is hereby repealed. All other laws, orders, rules and regulations or resolutions or parts thereof inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 43. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in two (2) newspapers of general circulation in the Philippines.

Approved,



FELICIANO BELMONTE JR.
*Speaker of the House
of Representatives*



JUAN PONCE ENRILE
President of the Senate

This Act which is a consolidation of Senate Bill No. 3138 and House Bill No. 4692 was finally passed by the Senate and the House of Representatives on February 4, 2013 and February 5, 2013, respectively.



MARILYN B. BARUA-YAP
*Secretary General
House of Representatives*



EDWIN B. BELLEN
Acting Senate Secretary

Approved: MAY 27 2013



BENIGNO S. AQUINO III
President of the Philippines



0

