

FIFTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

Senate
Office of the Secretary

'12 FEB 27 P1:57

SENATE

COMMITTEE REPORT NO. 127

Submitted jointly by the Committees on Civil Service and Government Reorganization; and
Finance on FEB 27 2012.

RE: Senate Bill No. 3138

Recommending its approval in substitution of Senate Bill No. 1401.

Sponsor: Senator Trillanes IV

MR. PRESIDENT:

The Committees on Civil Service and Government Reorganization, and Finance, to
which was referred Senate Bill No. 1401, introduced by Senator Loren B. Legarda, *entitled:*

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

have considered the same and have the honor to report it back to the Senate with the
recommendation that the attached Senate Bill No. 3138 prepared by the Committees,
entitled:

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 approved in substitution of Senate Bill No. 1401 with Senators Legarda and Trillanes IV as
authors thereof.

Respectfully submitted:

Chairpersons


FRANKLIN M. DRILON
Committee on Finance


ANTONIO "Sonny" F. TRILLANES IV
Committee on Civil Service and Government
Reorganization

Vice-Chairpersons


EDGARDO J. ANGARA
Committee on Finance

GREGORIO B. HONASAN II
Committee on Civil Service and Government
Reorganization
Member, Committee on Finance


RALPH G. RECTO
Committee on Finance
Members

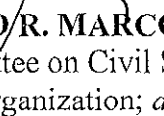
MIRIAM DEFENSOR-SANTIAGO
Member, Committee on Finance

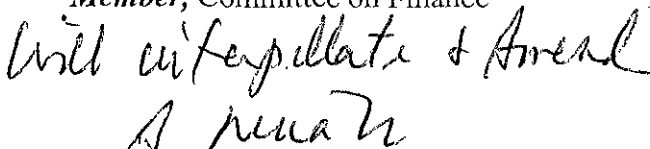
MANUEL "LITO" M. LAPID
*Member, Committee on Civil Service and
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FRANCIS "CHIZ" G. ESCUDERO
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PANFILO M. LACSON
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PIA "COMPAÑERA" S. CAYETANO
*Member, Committee on Civil Service and
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AQUILINO "KOKO" PIMENTEL III
Member, Committee on Finance

JOKER P. ARROYO
Member, Committee on Finance

Ex-Officio Members


*at conveniences
and possible subquarters*
ALAN PETER "COMPAÑERO" S.
CAYETANO
Minority Floor Leader


VICENTE C. SOTTO III
Majority Floor Leader

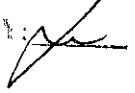

JINGGOY EJERCITO ESTRADA
President Pro-Tempore

HON. JUAN PONCE ENRILE
Senate President

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SENATE

S. B. No. **3138**

RECEIVED BY: 

(In substitution of SBN 1401)

Prepared jointly by the Committees on Civil Service and Government Reorganization; and Finance with Senators Loren Legarda and Antonio "Sonny" F. Trillanes IV as authors

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

1
2
3
4 **SECTION 1. Title.** - This Act shall be known as the "*Environmental Planning Act of*
5 *2012.*"

6
7 **SEC. 2. Declaration of Policy.** - The State recognizes the importance of Environmental
8 Planning in nation-building and development. Hence, it shall develop and nurture competent,
9 virtuous, productive and well-rounded professional Environmental Planners whose standards of
10 practice and service shall be excellent, world-class and globally competitive through honest,
11 effective, relevant, and credible licensure examinations and through programs, regulatory
12 programs, measures, and activities that foster their professional growth, social responsibility, and
13 development.

14
15 **SEC. 3. Coverage of the Act.** - This Act shall cover the following aspects of the practice
16 of the profession:

- 17 a. Examination, registration, and licensure of Environmental Planners;
18 b. Supervision, control and regulation of the practice of Environmental Planning;
19 c. Development, upgrading, and updating of the curriculum of the environmental planning
20 profession; and

- 1 d. Development and improvement of the professional competence and practice of
2 Environmental Planners through, among others, Continuing Professional Education and
3 development.
4

5 **SEC. 4. *Definition of Terms.* –**

- 6 a. Environmental Planning, also known as "urban and regional planning, city planning, town
7 and country planning, and/or human settlements planning," refers to the multi-disciplinary art
8 and science of analyzing, specifying, clarifying, harmonizing, managing and regulating the
9 use and development of land and water resources, in relation to their environs, for the
10 development of sustainable communities and ecosystems;
- 11 b. Environmental Planner refers to a person who is registered and licensed to practice
12 Environmental Planning and who holds a valid Certificate of Registration and a valid
13 Professional Identification Card from the Board of Environmental Planning and the
14 Professional Regulation Commission;
- 15 c. Accredited Professional Organization (APO) refers to the duly integrated and Accredited
16 Professional Organization of Environmental Planners, of which there shall be only one as
17 prescribed by Republic Act No. 8981, the Comprehensive Professional Code, and in Section
18 32 of this Act.
19

20 **SEC. 5. *Scope of Practice.* -** The practice of Environmental Planning, within the meaning
21 and intent of this Act, shall embrace the following:

- 22 a. Providing professional services in the form of technical consultation, rendering of technical
23 advice, plan preparation, capacity building, and monitoring and evaluation of implementation
24 involving the following:
- 25 1. National, regional or local development and/or physical framework and comprehensive
26 land use plans;
 - 27 2. Zoning and related ordinances, codes, and other legal issuances for the development and
28 management, preservation, conservation, rehabilitation, regulation, and control of the
29 environment, including all land, water, air and natural resources;
 - 30 3. Planning and development of a *barangay*, municipality, city, province, region or any
31 portion or combination thereof; and
 - 32 4. Development of a site for a particular need or special purpose, such as economic or
33 ecological zones; tourism development zones; and housing and other estate development
34 projects, including the creation of any other spatial arrangement of buildings, utilities,
35 transport, and communications;
- 36 b. In relation to any of the activities enumerated in (a) above, preparing the following studies:
- 37 1. Pre-feasibility, feasibility, and other related concerns;
 - 38 2. Environmental assessments; and

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

6
7 **SEC. 8. *Qualifications of Board Members.*** - Each Member of the Board shall, at the
8 time of his/her appointment, possess the following qualifications:

- 9 a. A citizen and resident of the Philippines;
10 b. Of good moral character and of sound mind;
11 c. A holder of a Master's Degree in Environmental Planning or its equivalent;
12 d. A registered and licensed Environmental Planner with a valid Certificate of Registration and
13 a Professional Identification Card and with at least seven (7) years of practice in
14 Environmental Planning prior to his/her appointment;
15 e. Not a member of the faculty of any school, college, or university where a regular academic
16 course or review course in Environmental Planning is offered, nor a member of a Staff of
17 reviewers in a review school or center and does not have any direct or indirect pecuniary
18 interest in such an institution;
19 f. A member in good standing but not an officer or trustee thereof of the Accredited
20 Professional Organization; and
21 g. Not convicted by a court of competent jurisdiction of an offense involving moral turpitude.

22
23 **SEC. 9. *Powers, Duties and Responsibilities of the Board.*** - The Board shall have the
24 following specific powers, duties and responsibilities:

- 25 a. Prescribe and adopt the rules and regulations necessary to carry out the provisions of this
26 Act;
27 b. Supervise the registration, licensure, and practice of Environmental Planning in the
28 Philippines;
29 c. Administer oaths in connection with the implementation of this Act;
30 d. Issue, suspend, revoke or reinstate Certificate of Registration for the practice of
31 Environmental Planning;
32 e. Adopt an official seal of the Board;
33 f. Prepare the contents of licensure examination; score and rate the examination papers, and
34 submit the results thereof to the Commission;
35 g. Adopt and promulgate a Code of Ethics and a Code of Technical Standards issued by the
36 Accredited Professional Organization;
37 h. Assist the Commission on Higher Education (CHED) to ensure that all instruction and
38 offering of Environmental Planning comply with the policies, standards, and requirements of

1 the course prescribed by the CHED or other authorized government offices in the areas,
2 among others, of curriculum, faculty, library and facilities;

- 3 i. Adopt measures necessary for the enhancement of the profession;
- 4 j. Investigate officially reported violations of this Act and its rules and regulations, Code of
5 Ethics, Code of Technical Standards, policies and measures and for this purpose issue
6 *subpoena* and *subpoena duces tecum* to secure the appearance of witnesses and submission
7 of the documents and other evidences necessary in connection with the performance of its
8 functions;
- 9 k. Seek the assistance of the Commission in the conduct of hearing or investigation of
10 administrative cases filed before the Board;
- 11 l. Promulgate decisions on such administrative cases;
- 12 m. Discharge such other powers and duties that may affect professional, ethical and
13 technological standards of the environmental planning profession in the Philippines;
- 14 n. Perform such other functions and responsibilities in accordance with the provisions of
15 Republic Act No. 8981, otherwise known as the "*Professional Regulation Commission*
16 *(PRC) Modernization Act of 2000.*"

17
18 The policies, resolutions, by-laws and rules and regulations, issued and promulgated by the
19 Board shall be subject to review, and approval by the Commission; however, the Board's
20 decisions, resolutions or orders which are not interlocutory, rendered in an administrative case,
21 shall be subject to review only on appeal.

22
23 **SEC. 10. *Compensation of the Board.*** - The Chairperson and Members of the Board
24 shall receive compensation and allowances comparable to the compensation and allowances
25 received by the Chairpersons and Members of other existing professional regulatory boards
26 under the Commission as provided for by the General Appropriations Act.

27
28 **SEC. 11. *Administrative Supervision of the Board, Custodian of its Records,***
29 ***Secretariat and Support Services.*** - The Board shall be under the administrative supervision of
30 the Commission. All records of the Board, including applications for examinations, and
31 administrative and other investigative hearings conducted by the Board shall be under the
32 custody of the Commission. The Commission shall designate the Secretary of the Board and
33 shall provide the secretariat and other support services to implement the provisions of this Act.

34
35 **SEC. 12. *Grounds for Disciplinary Action on Suspension or Removal of Board***
36 ***Members/Chairperson.*** - The President of the Philippines, upon the recommendation of the
37 Commission, after due process and administrative investigation conducted by the Commission,
38 may remove or suspend a Chairperson or Member of the Board on any of the following grounds:

- 1 a. Gross negligence, incompetence or dishonesty in the discharge of his/her duty;
- 2 b. Commission of any of the prohibited acts provided in this Act and the offenses in the revised
- 3 Penal Code, Republic Act No. 3019, otherwise known as the "*Anti-Graft and Corruption*
- 4 *Practices Act,*" and other laws;
- 5 c. Manipulation, tampering or rigging of the results of the licensure examination for the practice
- 6 of Environmental Planning; and
- 7 d. Unlawful disclosure of secret and confidential information on the examination questions or
- 8 other administrative matters pertaining thereto prior to the conduct thereof.

9
10 The Commission, in the conduct of the investigation, shall be guided by Sec. 7(s) of Republic
11 Act No. 8981, the Rules on Administrative Investigation, and the applicable provisions of the
12 New Rules of Court.

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

18
19 **ARTICLE III**
20 **EXAMINATION AND REGISTRATION**

21
22 **SEC. 14. *Registration Required.*** - Upon the effectivity of this Act, no person shall
23 practice or offer to practice Environmental Planning in the Philippines without having obtained
24 from the Board and the Commission a Certificate of Registration and a Professional
25 Identification Card or a Temporary/Special Permit.

26
27 **SEC. 15. *Examination Required.*** - Unless provided otherwise under this Act, all
28 applicants for registration for the practice of Environmental Planning shall be required to pass
29 the professional licensure examination as herein provided, subject to the payment of fees
30 prescribed by the Commission. Examinations for the practice of Environmental Planning in the
31 Philippines shall be given by the Board at least once every year in such places and dates as the
32 Commission may designate in accordance with the provisions of Republic Act No. 8981.

33
34 **SEC. 16. *Rating in the Licensure Examination.*** - To pass the licensure examination,
35 each person must obtain a weighted average of not less than seventy per centum (70%) and a
36 rating of not less than fifty per centum (50%) in any examination subject.

1 **SEC. 17. *Subjects of Examination.*** - The licensure examination for Environmental
2 Planners shall include, but shall not be limited to, the following:

- 3 a. History, concepts, theories, and principles of Environmental Planning;
- 4 b. Environmental Planning process, methods/techniques, and strategies;
- 5 c. Environmental plan implementation, legal aspects and administration.

6
7 These subject areas and syllabi shall include topics and subtopics in accordance with the syllabi
8 or tables of specifications of subjects for licensure examinations by the Board in consultation
9 with the academe and the Accredited Professional Organization. The subject areas and syllabi
10 may be revised as the need arises to conform to changes and new developments brought about by
11 trends in the practice of Environmental Planning.

12
13 **SEC. 18. *Qualifications for Taking the Examination.*** - Any person applying to take the
14 licensure examination as herein provided shall establish to the satisfaction of the Board that
15 he/she has the following qualifications:

- 16 a. A citizen of the Philippines or a foreign citizen whose country or state has a policy on
17 reciprocity in the practice of the profession;
- 18 b. A holder of any of the following degrees from schools, colleges or universities duly
19 recognized and accredited by the CHED:
 - 20 1. A Graduate in Environmental Planning, urban/city and regional planning, or town and
21 country planning or its equivalent;
 - 22 2. A Post-Graduate Diploma in Environmental Planning, city and regional planning or its
23 equivalent, and with at least one (1) year of on-the-job training as required herein; or
 - 24 3. A Bachelor's Degree in Environmental Planning, city planning or urban and regional
25 planning, or town and country planning, or its equivalent, and with two (2) years of on-
26 the-job training as required herein;
 - 27 4. A Degree in either architecture, engineering, ecology, economics, geography, geology,
28 public administration, business administration, sociology, social science, law,
29 environmental science, environmental management, development management, natural
30 resources planning and development, and related disciplines acceptable to the Board, and
31 with three (3) years of on-the-job training as required herein: *Provided*, That a person
32 falling under this paragraph, shall be allowed to take the licensure examination only
33 within the next five (5) years from the effectivity of this Act;
 - 34 5. A Bachelor's Degree in architecture, engineering, economics, public administration, law,
35 social work and community development or sociology and other related disciplines
36 acceptable to the Board and with five (5) years of on-the- job training as required herein:
37 *Provided*, That a person falling under this paragraph, shall be allowed to take the
38 licensure examination only within the next five (5) years from the effectivity of this Act;

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

10 c. Of good moral character; and

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

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

17
18 **SEC. 19. Issuance of Certificate of Registration and Professional Identification Card. -**

19 a. A Certificate of Registration shall be issued to those who are registered after payment of fees
20 prescribed by the Commission. It shall bear the signatures of the Chairperson of the Commission
21 and of the Chairman and Members of the Board, stamped with the official seal of the
22 Commission and of the Board, certifying that the person named therein is entitled to the practice
23 of the profession, with all the privileges appurtenant thereto. Until withdrawn, revoked, or
24 suspended in accordance with this Act, the Certificate of Registration shall remain in full force
25 and effect.

26 b. A Professional Identification Card bearing the registration number and its validity and expiry
27 dates duly signed by the Chairperson of the Commission shall likewise be issued to every
28 registrant who has paid the prescribed fees, and has submitted a certificate of membership in
29 good standing from the APO. The said card shall be renewed every three (3) years upon
30 mandatory proof of completion of continuing professional education.

31
32 **SEC. 20. Refusal to Register. -** The Board shall not register any successful applicant for
33 registration with or without licensure examination who has been:

34 a. convicted of an offense involving moral turpitude by a court of competent jurisdiction;

35 b. found guilty of immoral or dishonorable conduct by the Board;

36 c. adjudged guilty for violation of the General Instructions to Examinees by the Board; and

37 d. declared of unsound mind by the court of competent jurisdiction.

38

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

3
4 **SEC. 21. *Revocation or Suspension of the Certificate of Registration and Cancellation***
5 ***of Temporary/Special Permit.*** - The Board shall have the power, upon notice and hearing, to
6 revoke or suspend the Certificate of Registration of a registered and licensed Environmental
7 Planner or to cancel a Temporary/Special Permit granted to a foreign Environmental Planner, for
8 the same grounds enumerated in Section 20 of this Act, except paragraph (c) hereof, and any of
9 the following grounds:

- 10 a. Violation of any provision of this Act, Implementing Rules and Regulations, Code of Ethics,
11 Code of Technical Standards for the practice of Environmental Planning, and of policies and
12 regulatory measures of the Board and/or the Commission, and Code of Good Governance;
- 13 b. Perpetration or use of fraud in obtaining his/her Certificate of Registration, Professional
14 Identification Card, Temporary/Special Permit;
- 15 c. Gross incompetence, negligence or ignorance in the conduct of the profession resulting to
16 death, injury of persons and/or damage to property;
- 17 d. Unjustified refusal to join or to remain a member in good standing of the APO;
- 18 e. Unjustified or unexplained neglect or failure to pay the annual registration fees for five (5)
19 consecutive years;
- 20 f. Unjustified or unexplained non-renewal of the Professional Identification Card after the lapse
21 of five (5) consecutive years;
- 22 g. Aiding or abetting the illegal practice of a non-registered and unlicensed Environmental
23 Planning by, among others, allowing him/her to use his/her Certificate of Registration and/or
24 Professional Identification Card or his/her Temporary/Special Permit;
- 25 h. Illegally practicing the profession during his/her suspension from the practice thereof;
- 26 i. Addiction to a drug or alcohol abuse impairing his/her ability to practice his/her profession or
27 declared with unsound mind by a court of a competent jurisdiction;

28
29 The Board shall periodically evaluate the aforementioned grounds and revise or add new ones as
30 the need arises subject to approval by the Commission in order to meet the trends and
31 developments in the profession.

32
33 **SEC. 22. *Filing of Charges.*** – Any person, firm or association may file charges against
34 any registrant in accordance with the provisions of Section 21, or the Board may investigate
35 violations of any of the above-mentioned provisions. An affidavit-complaint shall be filed,
36 together with the affidavits of witnesses and other documentary evidence with the Board through
37 the Commission's Legal and Investigation Office. The *motu proprio* action to conduct an
38 investigation shall be embodied in a formal charge to be signed by at least a majority of the

1 Members of the Board. The rules on administrative investigation issued by the Commission shall
2 govern the hearing or investigation, subject to applicable provisions of this Act, Republic Act
3 No. 8981, and the Rules of Court.

4
5 **SEC. 23. *Re-issuance of Revoked Certificate of Registration, Replacement of Lost or***
6 ***Damaged Certificate of Registration, Professional Identification Card or Temporary/Special***
7 ***Permit.*** – The Board may, upon petition, reinstate or re-issue a revoked Certificate of
8 Registration after two (2) years from the effectivity of the revocation, which is the date of
9 surrender of the said certificate and/or the Professional Identification Card to the Board and/or
10 the Commission. The Board may not require the holder thereof to take another licensure
11 examination. The petitioner shall prove to the Board that he/she has valid reasons to resume the
12 practice of his/her profession. For the grant of his/her petition, the Board shall issue a Board
13 Resolution subject to approval by the Commission.

14
15 A duplicate copy of a lost Certificate of Registration, Professional Identification Card or
16 Temporary/Special Permit may be reissued in accordance with rules thereon and upon payment
17 of the prescribed fee therefor.

18
19 **ARTICLE IV**
20 **PRACTICE OF ENVIRONMENTAL PLANNING**

21
22 **SEC. 24. *Vested Rights: Licensed Environmental Planners Registered When This***
23 ***Law is Passed.*** - All Environmental Planners who are already duly registered with the Board
24 under Presidential Decree No. 1308 and are holders of valid Professional Identification Cards
25 issued by the Commission, and who are in good standing with the APO of Environmental
26 Planners at the effectivity of this Act shall be deemed automatically registered under this Act.

27
28 Certificates of Registration and valid Professional Identification Cards held by such persons in
29 good standing shall have the same force and effect as though issued after the passage of this Act.

30
31 **SEC. 25. *Consulting Firms, Partnerships, Corporations, Associations and***
32 ***Foundations Engaged in Environmental Planning Practice.*** - A consulting firm, partnership,
33 corporation, association or foundation may engage in the practice of Environmental Planning in
34 the Philippines: *Provided*, That it complies with the following requirements:

35
36 a. The consulting firm, partnership, corporation or association applies for and is issued a
37 Certificate of Registration by the Board and the Commission to engage in the practice of
38 Environmental Planning in the Philippines: *Provided*, That the majority of the partners of the

1 partnership are registered and licensed Environmental Planners: *Provided, further,* That the
2 majority of the Members of the Board of Directors or Members of corporations shall be
3 registered and licensed Environmental Planners; and

- 4 b. The practice of the consulting firm, partnership, corporation or association in Environmental
5 Planning shall be carried out by duly registered and licensed Environmental Planners.
6

7 **SEC. 26. *Use of Seal.*** - All registered and licensed Environmental Planners shall obtain
8 a seal of such design as the Board shall authorize and direct: *Provided,* That the serial number of
9 the certificate issued by the Board shall be included in the design of the seal. Plans, designs and
10 programs prepared by or under direct supervision of a registered and licensed Environmental
11 Planner shall be stamped with the said seal during the life of the registrant's certificate, and it
12 shall be unlawful for any one to stamp or seal any document with the said seal after the
13 certificate of the registrant named thereon shall have expired or shall have been revoked, unless
14 said certificate shall have been renewed or re-issued.
15

16 **SEC. 27. *Continuing Professional Education.*** - The Board, in consultation with the
17 academe and the APO, shall prescribe guidelines in the implementation of its Continuing
18 Professional Education (CPE) programs, subject to the approval of the Commission.
19

20 **SEC. 28. *Foreign Reciprocity.*** - A foreign citizen may be allowed to take the licensure
21 examination and may be given a Certificate of Registration and Professional Identification Card
22 if he/she can prove that the country or state of which he/she is a subject or citizen allows a
23 Filipino Environmental Planner to practice his/her profession within its territorial limits on the
24 same basis as the subjects or citizens of such foreign state or country.
25

26 **SEC. 29. *Special/Temporary Permits for Foreign Environmental Planners.*** - The
27 practice of foreign Environmental Planners in the Philippines shall be limited to natural persons
28 only and shall be governed by the provisions of Republic Act No. 8981, otherwise known as the
29 "*Professional Regulation Commission (PRC) Modernization Act of 2000:*" *Provided,* That any
30 foreign national who has gained entry in the Philippines to perform professional services as an
31 Environmental Planner or render such services or prepare or produce such documents as are
32 within the scope of practice of Environmental Planners as set forth in this Act, such as but not
33 limited to being a Consultant in foreign-funded or assisted projects of the government or
34 employed or engaged by Filipino or foreign contractors or private firms, whether or not the
35 nomenclature of his/her profession is specifically called in his/her country of nationality as
36 Environmental Planner, but who does not meet or wish to comply with the requirements for
37 admission to take the licensure examinations shall, before assuming the duties, functions and
38 responsibilities as Environmental Planner or Consultant, secure a Temporary/Special Permit

1 from the Board subject to the approval of the Commission and the Department of Labor and
2 Employment (DOLE), to practice his/her profession in connection with the project to which
3 he/she was commissioned: *Provided*, That the following conditions are satisfied:

- 4 a. That he/she is a citizen or subject of a country which specifically permits Filipino
5 professionals to practice their profession within the territorial limits on the same basis as the
6 subjects or citizens of such foreign country or state;
- 7 b. That he/she is legally qualified to practice Environmental Planning in his/her own country,
8 and that his/her expertise is necessary and advantageous to the Philippines, particularly in the
9 aspects of technology transfer and specialization;
- 10 c. That he/she shall be required to work with a Filipino counterpart, a natural person who is a
11 registered and licensed environmental planner, and professional services fees and expenses of
12 documentation pertaining to the project shall be proportionately shared by both foreign and
13 Filipino Environmental Planners, including liabilities and taxes due to the Philippine
14 government, if any, relative to his/her participation therein, or professional services rendered
15 to the project in accordance with established rules and regulations; and
- 16 d. That he/she shall obtain an employment permit from DOLE; *Provided*, That the employment
17 permit may be issued to a non- resident alien or to the applicant-employer after a
18 determination by the Commission and the Board of the non-availability of a person in the
19 Philippines who is competent, able and willing at the time of application to perform the
20 services for which the foreign expert is being invited.

21
22 **SEC. 30. *Information Required on Plans.*** - The Environmental Planner shall be
23 required to indicate his/her Certificate of Registration (CR), and/or PRC Identification Card,
24 APO Certificate of Membership and Professional Tax Receipt (PTR) numbers, date and place of
25 issuance and expiry on all plans and other documents signed by him/her.

26
27 **SEC. 31. *Unlawful Practices under this Act.*** - It shall be unlawful for any person or
28 group of persons to:

- 29 a. offer or render planning services as defined in Section 4 or within the scope of Section 5 of
30 this Act when he/she is not a Registered and licensed Environmental Planner;
- 31 b. cause, induce, encourage or coerce the preparation or implementation of any plan that is not
32 signed by a Registered and licensed Environmental Planner, when such plan is so required by
33 this Act to be signed by a Registered and licensed Environmental Planner;
- 34 c. amend, revise, duplicate or make copies of plans, designs, programs and other documents
35 prepared, signed and sealed by a registered and licensed Environmental Planner without
36 his/her explicit and written consent; and
- 37 d. sign his/her name, affix his/her seal or use any other method of signature on plans,
38 specifications or other documents not actually prepared by him/her.

1 anticipated, and are directly caused by gross negligence on the part of such Environmental
2 Planner and/or the environmental planning team member or members, or by highly deficient or
3 inappropriate environmental planning methods, strategies, tools or techniques at variance with
4 generally accepted environmental planning principles, methods and standards.

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

8
9 **SEC. 36. Penal Provisions.** - Any person committing any of the unlawful practices
10 under Section 31 hereof and/or any of the following acts shall, upon conviction, be sentenced by
11 imprisonment of not less than six (6) months, nor more than five (5) years or a fine or not less
12 than One Hundred Thousand Pesos (Php 100, 000.00) nor more than Five Hundred Thousand
13 Pesos (Php 500, 000.00) or both, at the discretion of the Court:

- 14 a. Engaging in the practice of Environmental Planning in the Philippines without having been
15 registered and licensed or without having conformed to the provisions of this Act;
- 16 b. Presenting or attempting to use as his/her own the Certificate of Registration and/or
17 Professional Identification Card of another registered and licensed Environmental Planner; or
18 a holder of a Temporary/Special Permit;
- 19 c. Giving any false, forged, or tampered evidence of any kind to the Board, or impersonating
20 any registered and licensed Environmental Planner or a natural person who is a holder of a
21 Temporary/Special Permit;
- 22 d. Using a revoked or suspended Certificate of Registration or an expired or un-renewed
23 Professional Identification Card or Temporary/Special Permit;
- 24 e. Using in connection with his/her name or otherwise assuming, using or advertising any title
25 or description tending to convey the impression that he/she is a registered and licensed
26 Environmental Planner without holding a valid Certificate of Registration and Professional
27 Identification Card or a valid Temporary/Special Permit;
- 28 f. Implementing or causing the implementation of any plan not prepared and signed by a
29 registered and licensed Environmental Planner; and
- 30 g. Violating any of the provisions of this Act and the Rules and Regulations thereof.

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

33
34 In case the offender is a corporation, partnership, association, foundation or juridical person, the
35 penalty of imprisonment shall be imposed on the registered and licensed Environmental Planner-
36 in-Charge jointly and solidarily with the responsible professionals, as well as the controlling
37 officer or officers thereof responsible for permitting or causing the violation.

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ARTICLE VI
TRANSITORY PROVISIONS

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SEC. 37. *Transitory Provisions.* -

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- 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 Chairman 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 Chairman 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.

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

Approved,