

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

8 JUL 28 A9:43

SENATE



RECEIVED BY: _____

S.B. No. 2482

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

Presidential Decree (P.D.) No. 1308, the law regulating the practice of Environmental Planning in the Philippines, was enacted thirty (30) years ago in 1978. Many parts of this law have become obsolete because of recent developments. For example, the existing law does not address the practice of foreign Environmental Planners (EnPs) who now freely enter the country and offer/undertake various planning services.

With the emphasis of the national government and local government units (LGUs) need for various types of planning for the super-regions, regions, provinces, districts, cities, municipalities and of smaller political subdivisions, it is imperative that these planners or EnPs are duly qualified and proven competent to perform such sensitive tasks and to assume the attendant professional responsibilities and civil liabilities for their prepared, signed and sealed plans.

The proposed bill provides a more responsive and comprehensive regulation for the registration, licensing and practice of the profession of Environmental Planning in light of local and international developments in the field, which encompasses a plethora of planning concerns, i.e climate change, natural and built environments, transportation, socio-economics, public administration, gender/marginalized sectors and related concerns, subdivision planning, environmental investigation, disaster prevention/mitigation/response and the like. The bill proposes a clearer definition of the practice of Environmental Planning and the expansion of the types of academic degrees required to qualify for the licensure examination, likewise providing for continuing professional education (CPE) to make Philippine EnPs globally recognized and competitive.

In view of the foregoing, the passage of this bill is earnestly sought.

LOREN LEGARDA
Senator

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

8 JUL 28 19:43

SENATE

S.B. No. 2482

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**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
2008."

Sec. 2. Declaration of Policy. - The State recognizes the importance of
environmental planners 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,
qualitative, world-class and globally competitive through inviolable, honest, effective
and credible licensure examinations and through regulatory measures, programs and
activities that foster their professional growth and development.

Sec. 3. Objectives. This Act shall govern:

- (a) the examination, registration, and licensure of environmental planners;
- (b) the supervision, control and regulation of the practice of environmental planning;
- (c) the development and upgrading of the curriculum of environmental planning profession;
- (d) the development of the professional competence of environmental planners through continuing professional education; and
- (e) the integration of the environmental planning profession.

Sec. 4. Definition of Terms. -

- 1 (a) Environmental Planning, otherwise known as "urban and regional planning, city
2 planning, town and country planning, and/or human settlements planning," refers
3 to the art and science of analyzing, specifying, harmonizing, managing and
4 regulating the use and relationships of land and its environs for the development of
5 sustainable communities and ecosystems.
- 6 (b) Environmental Planner refers to a person who is registered and licensed to practice
7 environmental planning and who holds a valid certificate of registration and a
8 valid professional identification card from the Board of Environmental Planning
9 and Professional Regulation Commission ;
- 10 (c) Environmental Planner-Of-Record - refers to a registered environmental planner
11 who either:
- 12 1. acts as lead professional in, or coordinates and supervises, the preparation of
13 any of the environmental plans and studies set forth in Section 5 of this Act; or
 - 14 2. reviews, co-signs and/or officially transmits or endorses to the client any of the
15 plans submitted by other members of a planning team for a program or
16 project; and who shall be held directly liable for such plans prepared under
17 his/her supervision or co-signed or reviewed by him/her;
- 18 (d) Accredited Professional Organization (APO) - refers to the duly accredited
19 professional organization of environmental planners.

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

- 22 (a) Providing professional services in the form of technical consultation, plan
23 preparation, capacity building, and monitoring and evaluation of
24 implementation involving the following:
- 25 (1) preparation of national, regional or local development and/or physical
26 framework and land use plans;
 - 27 (2) preparation of comprehensive land use plans, zoning, and related
28 ordinances, codes, and other legal issuances for the management and
29 development, preservation, conservation, rehabilitation, regulation, and
30 control of the environment, including water resources;
 - 31 (3) development, conservation, redevelopment, and revitalization of a
32 *barangay*, municipality, city, province, region or any portion or
33 combination thereof; and

- 1 (4) development of a site for a particular need, such as economic or
2 ecological zones; tourism development zones; and housing and other
3 estate development projects, including creating a spatial arrangement of
4 buildings, utilities, transport, and communications;
- 5 (b) In relation to any of the activities enumerated in (a) above, preparing the
6 following studies:
- 7 (1) Pre-feasibility, feasibility, and other related concerns;
8 (2) Environmental assessments; and
9 (3) Institutional, administrative or legal systems;
- 10 (c) Teaching, lecturing or reviewing any professional subject included in the
11 curriculum and in the licensure examinations for environmental planning;
- 12 (d) Serving as expert witness, resource person, lecturer, juror or arbitrator in
13 hearings, competitions, exhibitions, and other public fora; and
- 14 (e) Ensuring compliance with environmental laws including acquisition of
15 regulatory permits.

16 Article II

17 PROFESSIONAL REGULATORY BOARD OF ENVIRONMENTAL PLANNING

18 **Sec. 6. Professional Regulatory Board of Environmental Planning.** - There is
19 hereby created a Professional Regulatory Board of Environmental Planning,
20 hereinafter referred to as the Board, which shall be composed of a chairperson and two
21 (2) members under the administrative control and supervision of the Professional
22 Regulation Commission, hereinafter referred to as the Commission. They shall be
23 appointed by the President of the Philippines from a list of three (3) recommendees for
24 each position ranked by the Commission from a list of five (5) nominees for each
25 position submitted by the accredited professional organization of environmental
26 planners.

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

29 **Sec. 7. Term of Office.** - The chairman and members of the Board shall hold
30 office for a term of three (3) years from the date of appointment or until their successors
31 shall have been qualified and appointed. They may be reappointed in their positions
32 for another term of three (3) years immediately after the expiry of their term: *Provided,*
33 That the holding of such position shall not be more than two (2) terms nor more than six
34 (6) years, whichever is longer: *Provided, further,* That the first Board under this Act shall

1 hold these terms of office: the Chairperson for three (3) years, the first member for two
2 (2) years, and the second member for one (1) year: *Provided, furthermore,* That any
3 appointee to a vacancy with an expired period shall only serve such period. The
4 chairperson and the members shall duly take their oath of office.

5 **Sec. 8. Qualifications of Board Members.** – Each member of the Board, at the
6 time of his/her appointment, must be:

- 7 a) a citizen and resident of the Philippines;
- 8 b) of good moral character and of sound mind;
- 9 c) a holder of a Master's Degree in Environmental Planning or its equivalent,
10 preferably with a Bachelor's Degree in Environmental Planning;
- 11 d) a registered Environmental Planner with a valid certificate of registration and a
12 professional identification card and with at least seven (7) years of practice in
13 environmental planning prior to his/her appointment;
- 14 e) not a member of the faculty of any school, college, or university where a regular or
15 review course in environmental planning is offered nor a member of a staff of
16 reviewers in a review school or center and not have any direct or indirect pecuniary
17 interest in such an institution;
- 18 f) a member in good standing of the APO;
- 19 g) not an officer or trustee of the Accredited Professional Organization (APO); and
- 20 h) not convicted by a court of competent jurisdiction of an offense involving moral
21 turpitude.

22 **Sec. 9. Powers, Functions, Duties and Responsibilities of the Board.** – The
23 Board shall have the following specific powers, functions, duties and responsibilities:

- 24 (a) prescribe and adopt the rules and regulations necessary to carry out the
25 provisions of this Act;
- 26 (b) supervise the registration, licensure, and practice of environmental planning in
27 the Philippines;
- 28 (c) administer oaths in connection with the administration of this Act;
- 29 (d) issue, suspend, revoke or reinstate Certificates of Registration for the practice of
30 environmental planning;
- 31 (e) adopt an official seal of the Board;
- 32 (f) determine and prepare the contents of licensure examination; score and rate the
33 examination papers, and submit the results thereof to the Commission;

- 1 (g) adopt and promulgate a Code of Ethics and a Code of Technical Standards
2 issued by the duly Accredited Professional Organization ;
- 3 (h) ensure, in coordination with the Commission on Higher Education (CHED), or
4 other authorized government offices, that all higher educational instruction and
5 offering of environmental planning comply with the policies, standards, and
6 requirements of the course prescribed by the CHED or other authorized
7 government offices in the areas of curriculum, faculty, library and facilities;
- 8 (i) monitor the conditions affecting the practice of environmental planning
9 profession and adopt measures necessary for the enhancement of the profession;
- 10 (j) investigate violations of this Act and its rules and regulations, Code of Ethics,
11 Code of Technical Standards, Policy and Measure as may come to its knowledge
12 and, for this purpose, issue *subpoena* and *subpoena duces tecum* to secure the
13 appearance of witnesses and exhibition of the documents and other evidences
14 necessary in connection with the performance of its functions;
- 15 (k) delegate the conduct of hearing or investigation of administrative cases filed
16 before the Board;
- 17 (l) promulgate decisions on such administrative cases;
- 18 (m) discharge such other powers and duties as may affect professional, ethical and
19 technological standards of the environment planning profession in the
20 Philippines;
- 21 (n) perform such other functions and responsibilities in accordance with the
22 provisions of Republic Act No. 8981, otherwise known as the "Professional
23 Regulation Commission Modernization Act of 2000".

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

28 **Sec. 10. Compensation of the Board.** - The Chairperson and Members of the
29 Board shall receive compensation and allowances comparable to the compensation and
30 allowances received by the chairpersons and members of existing professional
31 regulatory boards under the Commission as provided for by the General
32 Appropriations Act.

33 **Sec. 11. Administrative Supervision of the Board, Custodian of its Records,**
34 **Secretariat and Support Services.** - The Board shall be under the administrative

1 supervision of the Commission. All records of the Board, including applications for
2 examinations, and administrative and other investigative cases conducted by the Board
3 shall be under the custody of the Commission. The Commission shall designate the
4 secretary of the Board and shall provide the secretariat and other support services to
5 implement the provisions of this Act.

6 **Sec. 12. Grounds for Suspension or Removal of Board Members/Chairperson.**

7 The President of the Philippines, upon the recommendation of the Commission, after
8 due process and administrative investigation conducted by the Commission, may
9 remove or suspend the Chairperson or Member of the Board on any of the following
10 grounds:

- 11 a) Gross neglect, incompetence or dishonesty in the discharge of his/her duty;
- 12 b) Violation of any of the causes/grounds and the prohibited acts provided in this Act
13 and the offenses in the revised Penal Code, Republic Act No. 3019 otherwise known
14 as the Anti-Graft and Corruption Practices Act, and other laws;
- 15 c) Manipulation or rigging of the results of the licensure examination for the practice of
16 environmental planning, disclosure of secret and confidential information on the
17 examination questions prior to the conduct thereof, or tampering of grades.

18 The Commission, in the conduct of the investigation, shall be guided by Sec. 7 (s)
19 of R.A. No. 8981, the rules on administrative investigation, and the applicable
20 provisions of the New Rules of Court.

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

25 **Article III**

26 **EXAMINATION AND REGISTRATION**

27 **Sec. 14. Registration Required.** - Upon the effectivity of this Act, no person
28 shall practice or offer to practice environmental planning in the Philippines without
29 having obtained from the Board and the Commission a Certificate of Registration and a
30 Professional Identification Card or a Temporary/Special Permit.

31 **Sec. 15. Examination Required.** - Unless provided otherwise under this Act, all
32 applicants for registration for the practice of environmental planning shall be required
33 to pass the professional licensure examination as herein provided, subject to the
34 payment of fees prescribed by the Commission. Examinations for the practice of

1 environmental planning in the Philippines shall be given by the Board at least once
2 every year in such places and dates as the Commission may designate in accordance
3 with the provisions of Republic Act No. 8981.

4 **Sec. 16. Rating in the Licensure Examination.** - To pass the licensure
5 examination each person must obtain a weighted average of no less than seventy per
6 centum (70%) and a rating of no less than fifty per centum (50%) in any examination
7 subject.

8 **Sec. 17. Subjects of Examination.** - The licensure examination for
9 environmental planner shall include, but shall not be limited to, the following:

- 10 a) History, concepts, theories, and principles of environmental planning
- 11 b) Environmental planning process, methods/techniques, and strategies
- 12 c) Environmental plan implementation, legal aspects, and administration

13 These subject areas shall include topics and subtopics in accordance with the
14 syllabi or tables of specifications of subjects for licensure examinations by the Board in
15 consultation with the academe and the Accredited Professional Organization. The
16 subject areas and syllabi may be revised as the need arises to conform to changes and
17 new developments brought about by trends in the profession.

18 **Sec. 18. Qualifications for Examination.** - Any person applying to take the
19 licensure examination as herein provided shall establish to the satisfaction of the Board
20 that he/she has the following qualifications:

- 21 (a) A citizen of the Philippines or a foreign citizen whose country or state has
22 reciprocity agreement in the practice of the profession.
- 23 (b) A holder of any of the following degrees from duly recognized schools, college
24 or universities accredited by the Commission on Higher Education:
 - 25 (1) A Master's degree in Environmental Planning, urban/city and regional
26 planning, or town and country planning or its equivalent;
 - 27 (2) A Post-Graduate Diploma in environmental planning, city and regional
28 planning or its equivalent, and with at least one (1) year on-the-job training
29 as required herein;
 - 30 (3) A Bachelor's degree in Environmental Planning, City Planning or Urban
31 and Regional Planning, or Town and Country Planning, or its equivalent,
32 and with two (2) years of on-the-job training as required herein;
 - 33 (4) A Master's or Doctorate degree in either architecture, engineering, ecology,
34 economics, geography, public administration, business administration,

1 sociology, social science, law, environmental science, environmental
2 management, development management, natural resources planning and
3 development and related disciplines acceptable to the Board, and with three
4 (3) years of on-the-job training as required herein: *Provided*, That a person
5 falling under this paragraph, may be allowed to take the licensure
6 examination only within the next ten (10) years after the effectivity of this
7 Act;

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

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

25 (c) Of good moral character; and

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

28 The on-the-job training required in this section must be undertaken under the
29 supervision of a registered Environmental Planner or the applicant's immediate
30 supervisor, in an agency or organization, acceptable to the Board, which is engaged or
31 involved in environmental planning functions or programs.

32 **Sec. 19. Issuance of Certificate of Registration and Professional Identification**
33 **Card.** - A certificate of registration shall be issued to those who are registered with or
34 without licensure examination subject to payment of fees prescribed by the

1 Commission. It shall bear the signatures of the Chairperson of the Commission and of
2 the Chairperson and Members of the Board, stamped with the official seal of the
3 Commission and of the Board, certifying that the person named therein is entitled to the
4 practice of the profession with all the privileges appurtenant thereto. Until withdrawn,
5 revoked, or suspended in accordance with this Act, it shall remain in full force and
6 effect.

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

10 **Sec. 20. Refusal to Register.** - The Board shall not register any successful
11 applicant for registration with or without licensure examination who has been:

- 12 (a) Convicted of an offense involving moral turpitude by a court of
13 competent jurisdiction,
- 14 (b) Found guilty of immoral or dishonorable conduct by the Board,
- 15 (c) Summarily adjudged guilty for violation of the General Instructions to
16 Examinees by the Board.
- 17 (d) Declared of unsound mind by the court of competent jurisdiction.

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

20 **Sec. 21. Revocation or Suspension of the Certificate of Registration and**
21 **Cancellation of Temporary/Special Permit.** - The Board shall have the power, upon
22 notice and hearing, to revoke or suspend the certificate of registration of a registered
23 and licensed Environmental Planner or to cancel a temporary/special permit granted to
24 a foreign Environmental Planner, for violation of any grounds or cases in Sec. 20 of this
25 Act, except paragraph (c) thereof, and on any of the following grounds:

- 26 (a) Violation of a provision of this Act, its Implementing Rules and Regulation,
27 Code of Ethics, Code of Technical Standards for the practice of Environmental
28 Planner, policy, and measure of the Board and/or the Commission;
- 29 (b) Perpetration or use of fraud in obtaining his/her certificate of registration,
30 professional identification card, temporary/special permit;
- 31 (c) Gross incompetence, negligence or ignorance resulting to death, injury or
32 damage;
- 33 (d) Refusal to join or to remain a member in good standing of the APO;

- 1 (e) Neglect or failure to pay the annual registration fees for five (5) consecutive
2 years;
- 3 (f) Non-renewal of the professional identification card after lapse of five (5)
4 consecutive years;
- 5 (g) Aiding or abetting the illegal practice of a non-registered and licensed
6 environmental planner by allowing him/her to use his/her certificate of
7 registration and/or professional identification card or his/her
8 special/temporary permit;
- 9 (h) Illegally practicing the profession during his/her suspension from the
10 practice thereof; and
- 11 (i) Addiction to a drug or alcohol abuse impairing his/her ability to practice
12 his/her profession or declared with unsound mind by a court of a competent
13 jurisdiction;

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

16 Any person, firm or association may file charges against any registrant in
17 accordance with the provisions of this Section, or the Board may investigate violations
18 of any of the above-mentioned causes. An affidavit-complaint shall be filed together
19 with the affidavits of witnesses and other documentary evidence with the Board
20 through the Legal and Investigation Office. An investigation conducted *motu proprio*
21 shall be embodied in a formal charge to be signed by at least a majority of the members
22 of the Board. The rules on administrative investigation issued by the Commission shall
23 govern the hearing or investigation subject to applicable provisions of this Act, R.A. No.
24 8981, and the Rules of Court.

25 **Sec. 22. Re-issuance of Revoked Certificate of Registration, Replacement of**
26 **Lost or Damaged Certificate of Registration, Professional Identification Card or**
27 **Temporary/Special Permit.** - The Board may, upon petition, reinstate or re-issue a
28 revoked certificate of registration after two (2) years from the effectivity of the period
29 for revocation, which is the date of surrender of the said certificate and/or the
30 professional identification card if still valid to the Board and/or the Commission. The
31 Board may not require the holder thereof to take another licensure examination. The
32 petitioner shall prove to the Board that he/she has valid reasons to practice his/her
33 profession. For the grant of his/her petition, the Board shall issue a Board Resolution
34 subject to approval by the Commission.

1 A duplicate copy of a lost certificate of registration, professional identification
2 card or temporary/special permit may be reissued in accordance with rules thereon and
3 upon payment of the prescribed fee therefor.

4 ARTICLE IV

5 PRACTICE OF ENVIRONMENTAL PLANNING

6 **Sec. 23. Vested Rights: Licensed Environmental Planners Registered when**
7 **this Law is Passed . -** All Environmental Planners who are already duly registered with
8 the Board under Presidential Decree No. 1308 and are holders of valid professional
9 identification cards issued by the Commission, and who are in good standing with the
10 accredited professional organization of environmental planners as of the time of the
11 effectivity of this Act shall be deemed automatically registered under this Act.

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

15 **Sec. 24. Consulting Firms, Partnerships, Corporations, Associations and**
16 **Foundations Engaged in Environmental Planning Practice. -** A consulting firm,
17 partnership, corporation, association or foundation may engage in the practice of
18 environmental planning in the Philippines: *Provided*, That they comply with the
19 following requirements:

- 20 (a) The consulting firm, partnership, corporation or association applies for and is
21 issued a Certificate of Registration by the Board and the Commission to engage in
22 the practice of environmental planning in the Philippines: *Provided*, That majority
23 of the partners of the partnership are registered and licensed environmental
24 planners *Provided, further*, That the majority of the members of the Board of
25 Directors or members thereof shall be registered Environmental Planners; and
26 (b) The practice of the consulting firm, partnership, corporation or association in
27 environmental planning shall be carried out by duly registered Environmental
28 Planners.

29 **Sec. 25. Use of Seal. -** All registered Environmental Planners shall obtain a seal
30 of such design as the Board shall authorize and direct: *Provided*, That the serial number
31 of the certificate issued by the Board shall be included in the design of the seal. Plans,
32 designs and programs prepared by or under direct supervision of a registered
33 Environmental Planner shall be stamped with the said seal during the life of the
34 registrant's certificate, and it shall be unlawful for any one to stamp or seal any

1 document with the said seal after the certificate of the registrant named thereon shall
2 have expired or shall have been revoked, unless said certificate shall have been renewed
3 or re-issued.

4 **Sec. 26. Continuing Professional Education.** - The Board, in consultation with
5 the academe and the accredited professional organization, shall prescribe guidelines in
6 the implementation of its Continuing Professional Education (CPE) programs, subject to
7 the approval of the Commission.

8 **Sec. 27. Foreign Reciprocity.** - A foreign citizen may be allowed to take the
9 licensure examination and may be given a certificate of registration and professional
10 identification card if he/she can prove that by specific provisions of law the country or
11 state of which he/she is a citizen allows a Filipino environmental planner to practice
12 his/her profession in such country.

13 **Sec. 28. Special / Temporary Permits for Foreign Environmental Planners.** -
14 The practice of foreign Environmental Planners in the Philippines shall be governed by
15 the provisions of R.A. 8981, otherwise known as the PRC Modernization Act of 2000:
16 *Provided,* That any foreign national who has gained entry in the Philippines to perform
17 professional services as an environmental planner or render such services or prepare or
18 produce such documents as are within the scope of practice of environmental planners
19 as set forth in this Act, such as but not limited to being a Consultant in foreign-funded
20 or assisted projects of the government or employed or engaged by Filipino or foreign
21 contractors or private firms, whether or not the nomenclature of his/her profession is
22 specifically called in his/her country of nationality as environmental planning, but
23 who does not meet or wish to comply with the requirements for admission to take the
24 licensure examinations shall, before assuming the duties, functions and responsibilities
25 as environmental planner or consultant, secure a special/temporary permit from the
26 Board subject to the approval of the Commission and the Department of Labor and
27 Employment (DOLE), to practice his/her profession in connection with the project to
28 which he/she was commissioned: *Provided,* That the following conditions are satisfied:

- 29 (a) That he/she is a citizen or subject of a country which specifically permits Filipino
30 professionals to practice their profession within the territorial limits on the same
31 basis as the subjects or citizens of such foreign country or state;
- 32 (b) That he/she is legally qualified to practice environmental planning or urban and
33 regional planning, town and country planning or human settlements planning
34 in his/her own country, and that his/ her expertise is necessary and

1 advantageous to the Philippines, particularly in the aspects of technology
2 transfer and specialization;

3 (c) That he/she shall be required to work with a Filipino counterpart and
4 professional fees and services and expenses of documentation pertaining to the
5 project shall be proportionately shared by both foreign and Filipino
6 Environmental Planners, including liabilities and taxes due to the Philippine
7 government, if any, relative to his/her participation therein, or professional
8 services rendered to the project in accordance with established rules and
9 regulations; and

10 (d) That he/she shall obtain an employment permit from DOLE: *Provided*, That the
11 employment permit may be issued to a non- resident alien or to the applicant -
12 employer after a determination of the non-availability of a person in the
13 Philippines who is competent, able and willing at the time of application to
14 perform the services for which the alien is desired: *Provided, further*, That the
15 applicant's country of nationality observes reciprocal conditions for Filipino
16 nationals.

17 **Sec. 29. Indication of Numbers: Certificate of Registration and Professional**
18 **Tax Receipt.** - The environmental planner shall be required to indicate his/her
19 Certificate of Registration (CR) APO Certificate of Membership and Professional Tax
20 Receipt (PTR) Numbers, its date and place of issuance and its expiry.

21 **Sec. 30. Unlawful Practices Under this Act.** - It shall be unlawful for any
22 person or group of persons to:

23 (a) offer or render planning services as defined in Section 4 or within the scope of
24 Section 5 of this Act unless he/she is a Registered Environmental Planner;

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

28 (c) amend, revise, duplicate or make copies of plans, designs, programs and other
29 documents prepared, signed and sealed by an environmental planner without
30 his/her consent;

31 (d) sign his/her name, affix his/her seal or use any other method signature on plans,
32 specifications or other documents prepared by another environmental planner;

33 or

1 (e) sign for any branch of the work or any function in environmental planning
2 practice not actually performed by him/her except for the environmental
3 planner-in-charge who shall be fully responsible for all plans, specifications and
4 other documents issued under his/her seal or authorized signature.

5 **Sec. 31. Integration of the Profession.** - All environmental planners shall be
6 integrated into one (1) national organization that is duly registered with the Securities
7 and Exchange Commission (SEC). The Board, subject to approval by the Commission,
8 shall accredit the said organization as the one and only integrated and accredited
9 national organization of environmental planners. All environmental planners whose
10 names appear in the Registry Book of Environmental Planners shall *ipso facto* or
11 automatically become members thereof and shall receive thereto all the benefits and
12 privileges upon payments of APO membership fees and dues. Membership in an
13 affiliate organization of environmental planners shall not be barred.

14 Article V

15 ENFORCEMENT OF THE ACT AND PENAL PROVISIONS

16 **Sec. 32. Enforcement by Government Officials and Officers of the Law.** - It
17 shall be the duty of all government officials and duly constituted law officers of the
18 national, provincial, city or municipal government, to assist the Board and the
19 Commission in enforcing the provisions of this Act and to cause the prosecution of any
20 person violating the same.

21 **Sec. 33. - Positions in Government with Environmental Planning Functions.**
22 The Civil Service Commission (CSC) shall create positions and set qualification
23 standards for environmental planners at various levels in government service including
24 government owned and controlled corporations and other entities. After the lapse of
25 five (5) years from the effectivity of this Act only registered environmental planners
26 shall be appointed to the position of heads and assistant heads of groups, departments,
27 divisions in government offices, agencies bureaus or instrumentalities thereof,
28 including government-owned and controlled corporations, provinces, cities and
29 municipalities, and such other positions which require the knowledge, skills and
30 competence of registered environmental planners. Appointments made thereafter in
31 violation hereof shall be considered null and void.

32 **Sec. 34. - Civil Liability of Environmental Planners.** The Environmental
33 Planner-of-Record in charge of the preparation of an environmental plan as well as
34 other members of the environmental planning team involved in the preparation thereof

1 may be held civilly liable in cases of serious or wholesale damage, failure or destruction
2 of any project subject of or covered by an environmental plan, that resulted in
3 significant adverse impact on affected stakeholders or the concerned ecosystem, within
4 a period of ten (10) years from the time of preparation of such plan, in cases where it is
5 determined by a court of competent jurisdiction that such damage, failure or
6 destruction was foreseeable and may be directly attributed to gross negligence on the
7 part of such environmental planner-of-record and/or environmental planning team
8 member or members, or to highly deficient or inappropriate environmental planning
9 methods, strategies, tools or techniques at variance with generally accepted
10 environmental planning principles, methods and standards.

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

13 **Sec. 35. Penal Provisions.** - Any person who commits any of the unlawful
14 practices under Section 30 hereof and/or any of the following acts shall, upon
15 conviction, be sentenced by imprisonment of not less than six (6) months, nor more than
16 five (5) years or a fine or not less than One Hundred Thousand Pesos (Php100, 000.00)
17 nor more than five hundred thousand pesos (Php500, 000.00) or both, at the discretion
18 of the Court:

- 19 (a) Engaging in the practice of environmental planning in the Philippines
20 without having been registered or without having conformed to the
21 provisions of this Act;
- 22 (b) Presenting or attempting to use as his/her own the Certificate of Registration
23 and/or professional identification card of another registered environmental
24 planner; or a holder of a temporary/special permit;
- 25 (c) Giving any false or forged evidence of any kind to the Board, or
26 impersonating any registered environmental planner or a holder of a
27 temporary/special permit;
- 28 (d) Using a revoked or suspended Certificate of Registration; or an expired or un-
29 renewed professional identification card or temporary/special; permit;
- 30 (e) Using in connection with his/her name or otherwise assuming, using or
31 advertising any title or description tending to convey the impression that
32 he/she is an environmental planner without holding a valid Certificate or
33 Registration and professional identification card or a valid
34 Temporary/Special Permit;

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

5 (g) Violating any of the provisions of this Act and the Rules of Regulations
6 thereof.

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

11
12 **Article VI**

13 **TRANSITORY PROVISIONS**

14 **Sec. 36. Transitory Provisions.** - Within a period of five (5) years from the
15 effectivity of this Act, local government units may continue to issue appointments to
16 persons who are not registered environmental planners belonging to positions of local
17 planning and development coordinators, or chiefs of local planning and development
18 offices, only on a temporary status or acting capacity.

19 The incumbent Chairman and Members of the Board shall, in an interim
20 capacity, continue to carry out their functions under the provisions of this Act without
21 need for new appointments as chairman and members thereof until the first Board,
22 created under this Act, shall have been constituted or organized pursuant thereto.

23 **Article VII**

24 **FINAL PROVISIONS**

25 **Sec. 37. Appropriations** - The Chairperson of the Professional Regulation
26 Commission shall immediately include in the Commission's programs the
27 implementation of this Act, the funding of which shall be included in the annual
28 General Appropriation Act and thereafter.

29 **Sec. 38. - Act Not Affecting Other Professions.** -This Act shall not affect or
30 prevent the practice of any other legally recognized profession.

31 **Sec. 39. - Implementing Rules and Regulations.** - The Board, subject to approval
32 of the Commission, shall prescribe, promulgate, and issue the implementing rules and
33 regulations of this Act, after consultation with the APO, other agencies and concerned
34 private organizations, within ninety (90) days from the effectivity of this Act.

1 **Sec. 40. - Separability Clause.** - If any part or section of this Act shall be
2 declared unconstitutional, such declaration shall not invalidate the other provisions
3 hereof.

4 **Sec. 41. - Repealing Clause.** Presidential Decree No. 1308 is hereby repealed. All
5 other laws, orders, rules and regulations or resolutions or parts thereof inconsistent
6 with the provisions of this Act are hereby repealed or amended accordingly.

7 **Sec. 42. - Effectivity.** - This Act shall take effect fifteen (15) days following its
8 publication in the *Official Gazette* or in any newspaper of general circulation.

9 Approved,