

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

Republic of the Philippines
Congress of the Philippines

Metro Manila

Twelfth Congress

Third Regular Session

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

[REPUBLIC ACT NO. 9297]

AN ACT REGULATING THE PRACTICE OF CHEMICAL ENGINEERING AND
REPEALING FOR THIS PURPOSE REPUBLIC ACT NUMBERED THREE HUNDRED
AND EIGHTEEN (R.A. NO. 318), OTHERWISE KNOWN AS “THE CHEMICAL
ENGINEERING LAW”

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

ARTICLE I.

TITLE, STATEMENT OF POLICY, DEFINITION OF TERMS AND SCOPE
OF PRACTICE

SECTION 1. *Title.* – This act shall be known as the “Chemical Engineering Law of
2004.”

SEC. 2. *Statement of Policy.* – It is hereby declared the policy of the State to supervise
and regulate the practice of chemical engineering vital to national development, upgrade
chemical engineering education in order to ensure that our chemical engineers are at par with the
best in the world, and to reserve the practice of such profession to Filipino citizens.

SEC. 3. *Definition of Terms.*

41
42 (a) Practice of chemical engineering shall mean the rendering or offering of professional
43 chemical engineering service for a fee, salary, reward or compensation, paid to him or through
44 another person, or even without such reward or compensation. The term shall be synonymous
45 with the term “rendering chemical engineering service.”
46

47 (b) Industrial plant shall mean any plant in which a unit process and/or operations are
48 involved, including the related pollution control and abatement processes or operations.
49

50 (c) Unit process shall mean the chemical change which is involved in the manufacture of
51 industrial or consumer products or the treatment of industrial or chemical wastes.
52

53 (d) Unit operation shall mean the physical operation by which a desired step in an
54 industrial process is conducted or controlled. This includes, but is not limited to: storage of gases,
55 liquids, solids, heat transfer, evaporation; mass transfer, i.e. distillation, absorption, adsorption,
56 drying, humidification, extraction, leaching, mixing and dispersion, separation, i.e., filtration,
57 screening, molecular sieving and coalescing.
58

59 (e) Professional chemical engineering subjects shall mean any of the following and
60 similar chemical engineering topics: chemical engineering thermodynamics; chemical
61 engineering calculations; physical and chemical principles; industrial processes; momentum
62 transfer; heat transfer; mass transfer; industrial waste management and control; process
63 equipment and plant design; and biochemical engineering and bio-engineering; and
64

65 (f) Chemical engineer shall mean a person duly registered and a holder of a valid
66 Certificate of Registration and Professional Identification Card issued by the Board of Chemical
67 Engineering and the Professional Regulation Commission.
68

69 SEC. 4. *Scope of Practice.* – Professional chemical engineering service shall embrace
70 the following similar services in relation to industrial plants:
71

- 72 1) Consultation requiring chemical engineering knowledge, skill and proficiency;
- 73
- 74 2) Investigation;
- 75
- 76 3) Estimation and/or valuation;
- 77
- 78 4) Planning;
- 79
- 80 5) Preparation of feasibility studies;
- 81
- 82 6) Designing;
- 83
- 84 7) Preparation of specifications;
- 85
- 86 8) Supervision of installation;

87
88 9) Operation, including quality management; but excluding chemical analysis and
89 operation of the chemical laboratory; and

90
91 10) Research and development

92
93 The teaching, lecturing and reviewing of a professional chemical engineering subject in
94 the curriculum of the Bachelor of Science in Chemical Engineering degree or a subject in the
95 Chemical Engineering licensure examination given in any school, college, university or any other
96 educational institution shall also be considered a professional chemical engineering service.

97
98 ARTICLE II.

99
100 CREATION OF THE PROFESSIONAL REGULATORY BOARD FOR CHEMICAL
101 ENGINEERS

102
103 SEC. 5. *Composition of the Board.* – There shall be created a Board of Chemical
104 Engineering, hereinafter referred to as the Board, under the administrative control and
105 supervision of the Professional Regulation Commission hereinafter called Commission,
106 composed of a Chairman and two (2) members to be appointed by the President of the
107 Philippines from among those recommended by the Commission from the nominees of the duly
108 integrated and accredited national organization of chemical engineers.

109
110 SEC. 6. *Powers and Duties of the Board* – The Board shall have the following powers
111 and duties:

112
113 a) Supervise and regulate the practice of the chemical engineering profession;

114
115 b) Determine and evaluate the qualifications of the applicants for registration;

116
117 c) Prescribe the subjects in the licensure examination; determine the syllabi of the
118 subjects and their relative weights; construct the test questions in the examination; score and rate
119 the examination papers; and submit the examination results to the Commission;

120
121 d) Issue together with the Commission Certificates of Registration and Professional
122 Identification Card to applicants who have passed the licensure examinations for registered
123 chemical engineers;

124
125 e) Issue special permits to persons admitted to the practice of the profession and
126 Certificate of Recognition for advance studies and researches and accomplishments in the
127 profession that contribute to its enrichment;

128
129 f) Inquire into the conditions affecting the practice of the profession and adopt measures
130 for the enhancement and maintenance of a high professional, ethical and technical standard.
131 Pursuant thereto, the Board may inspect establishments where chemical engineers practice their

- 132 profession, such as factories, plants, offices and the like in order to determine and enforce
133 compliance with the provisions of this Act and issue Certificates of Compliance;
134
- 135 g) In coordination with the Commission on Higher Education (CHED), inspect the
136 facilities, faculty, equipment and other aspects directly related to the chemical engineering
137 program of educational institutions;
138
- 139 h) Adopt rules and regulations for the practice of chemical engineering;
140
- 141 i) Adopt a Code of Ethics and a Code of Technical Standards for the practice of chemical
142 engineering;
143
- 144 j) Investigate, in accordance with the rules on administrative investigation promulgated
145 by the Commission, violations of this Act and its implementing rules and regulations, the Code
146 of Ethics and the Code of Technical Standards for chemical engineers, administrative polices,
147 orders and issuances promulgated by the Board;
148
- 149 k) Issue *subpoena* and subpoena *duces tecum* to secure the attendance of witnesses or the
150 production of documents in connection with any administrative case before the Board;
151
- 152 l) Hear and decide administrative cases filed against chemical engineers and firms
153 employing chemical engineers. The hearing shall be presided by the Chairman or a Member of
154 the Board with the assistance of an Attorney of the Commission. Any decision shall be concurred
155 in by at least a majority of the Board. Decisions of the Board may be appealed to the
156 Commission within fifteen (15) days from notice, otherwise such decisions shall become final
157 and executory;
158
- 159 m) Administer oaths in connection with the performance of its functions;
160
- 161 n) Adopt an official seal and prescribe the seal of the chemical engineering profession;
162
- 163 o) Submit an annual report on the proceedings and accomplishments during the year
164 and/or recommendations of the Board to the Commission thirty (30) days after the close of each
165 calendar year;
166
- 167 p) Prosecute or institute criminal action against any violator of this Act and/or rules and
168 regulations of the Board;
169
- 170 q) Prescribe guidelines and criteria on the Continuing Professional Education (CPE)
171 program for chemical engineers in consultation with the integrated and accredited chemical
172 engineering organizations; and
173
- 174 r) Perform such other functions as may be necessary in order to implement the provisions
175 of this Act.
176

177 SEC. 7. *Qualifications of the Board Chairman and Members.* The Chairman and
178 Members of the Board must, at the time of the appointment shall be:

- 179
180 a) A natural-born Filipino citizen and resident of the Philippines;
181
182 b) At least a holder of a bachelor`s degree in chemical engineering or its equivalent, as
183 conferred by an engineering school of good standing, recognized and accredited by the
184 Government;
185
186 c) A registered chemical engineer who has been in active practice for at least ten (10)
187 years;
188
189 d) A member of good standing of the integrated and duly accredited national chemical
190 engineering profession; and
191
192 e) A person who does not have any pecuniary interest, directly or indirectly in any
193 university, college, school or institution conferring an academic degree necessary for admission
194 to the practice of chemical engineering or where review classes in preparation for the licensure
195 examination are being offered or conducted; nor shall he be a member of the faculty or of the
196 administration thereof at the time of his appointment to the Board.
197

198 SEC. 8. *Term of Office.* – The Chairman and the Members of the Board shall have a
199 term of three (3) years only, with reappointment. Vacancies shall be filled for the unexpired term
200 only. The Chairman and Members shall qualify by taking the proper oath prior to assumption of
201 office. The incumbent Chairman and Members shall be allowed to serve for the remainder of
202 their term until a new composition of the Board shall have been constituted.
203

204 SEC. 9. *Secretary of the Board.* – The Board shall have a Secretary, appointed by the
205 Commission, who shall record the minutes of its meetings and perform such other functions as
206 the Board may require. The Commission shall provide for a compensation of the Secretary.
207

208 SEC. 10. *Removal/Suspension of the Chairman and Members.* The Chairman or any
209 Member of the Board may be suspended or removed by the Commission for neglect of duty,
210 incompetence, commission or tolerance of irregularities in the licensure examination, malpractice
211 or unprofessional or unethical conduct, after due notice and hearing where his right to be heard,
212 to defend himself and to be assisted by counsel shall be respected.
213

214 SEC. 11. *Compensation of the Board.* – The Chairman and Members of the Board shall
215 receive such compensation or honorarium as may be prescribed by the rules and regulations of
216 the Commission.
217

218 SEC. 12. *Annual Report.* – The Secretary shall prepare an annual report for the
219 consideration and approval of the Board. The Board shall submit an annual report to the
220 Commission after the close of each fiscal year giving a detailed account of the proceedings of the
221 Board during the year and embodying such recommendations to the Commission as the Board
222 may desire to make.

223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268

ARTICLE III

LICENSURE EXAMINATION AND REGISTRATION

SEC. 13. *Examination Requirement.* – All applicants for registration for the practice of chemical engineering shall be required to pass the licensure examination prescribed herein.

SEC. 14. *Holding of Examination.* – Examination of candidates desiring to practice the chemical engineering shall be given twice each calendar year on the dates and venues prescribed by the Commission. Such examination shall be conducted by the Board.

SEC. 15. *Scope of Examination.* – The licensure examination shall cover, but shall not be limited to, the following subjects: Physical and Chemical Principles; General Engineering; and Chemical Engineering: *Provided*, that the relative weight of Chemical Engineering is not less than forty *per centum* (40%).

SEC. 16. *Qualifications for Examinations.* – Any person applying for admission to the chemical engineering examination must have the following qualifications:

- a) That he/she is a citizen of the Philippines;
- b) That he/she is of good moral character;
- c) That he/she is a graduate of a school, institute, college or university recognized by the Government and has been conferred the degree of Bachelor of Science in Chemical Engineering or its equivalent; and
- d) That he/she has not been convicted of an offense involving moral turpitude by a court of competent jurisdiction.

SEC. 17. *Examination Fees.* – Every applicant admitted to take the chemical engineering shall pay such fees as may be prescribed by it before he or she is allowed to take the examination.

SEC. 18. *Report of Rating.* – The Board shall complete the correction of examination papers within twenty (20) days from the last day of the examination. The Commission shall report the rating of examinees not more than thirty (30) days after the Board has completed the correction of examination papers.

SEC. 19. *Issuance of Certificate of Registration and Professional Identification Card.* – The Commission, on recommendation of the Board, enter in the Roster of Chemical Engineers, and issue a Certificate of Registration and Professional Identification Card to each person who obtained a general average of no less than seventy *per centum* (70%) and a rating of no less than fifty *per centum* (50%) in any examination subject. Every Certificate of Registration shall state the full name of the registrant and his registration number, and shall be signed by the Chairman

269 and Members of the Board and the Commissioner of the Commission and authenticated by the
270 official seal of the Commission indicating that the person named therein is entitled to the practice
271 of the profession with all the privileges appurtenant thereto. The said certificate of registration
272 shall remain in full force and effect until suspended or revoked in accordance with this Act.

273

274 A professional identification card bearing the signature number, date of issuance, expiry
275 date, duly signed by the Chairman of the Commission shall likewise be issued to every registrant
276 who has paid the prescribed fee.

277

278 SEC. 20. *Seal of Registered Chemical Engineer.* – Each chemical engineer shall, upon
279 registration, obtain a seal as prescribed by the Board bearing the registrant’s name, registration
280 number and the legend “Registered Chemical Engineer”. Plans, specifications, reports and other
281 professional documents prepared by or executed under the supervision of and issued by the
282 registrant shall be stamped on every sheet with said seal when filed with Government authorities
283 or when submitted or used professionally.

284

285 SEC. 21. *Fees for Registration.* – Every person issued a Certificate of Registration as a
286 registered chemical engineer shall pay to the Commission such fees as the Commission may
287 prescribe.

288

289 SEC. 22. *Exemptions from Registration.*– Registration shall not be required of the
290 following persons upon proper application for exemption with the Board:

291

292 a) Foreign chemical engineers, recognized as experts in their specific fields of chemical
293 engineering, called in by the Republic of the Philippines for consultation or for a specific design,
294 installation or project: *Provided*, That their practice shall be confined to such work; and

295

296 b) Foreign chemical engineers, who have distinguished themselves in their respective
297 fields of specialization, contracted as professors or lecturers on chemical engineering subjects by
298 Philippine schools, or colleges, institutes or universities on a direct hire or exchange basis,
299 subject to verification of credentials by the Board.

300

301 SEC. 23. *Suspension or Revocation of Certificate of Registration and Certificate of*
302 *Compliance.* – Any of the following shall be sufficient ground for the suspension or revocation
303 of a Certificate of Registration.

304

305 a) Any act of misrepresentation in connection with an alleged performance of chemical
306 engineering devices;

307

308 b) Acts inimical to the chemical engineering profession; and

309

310 c) Gross immorality or commission of any act involving moral turpitude.

311

312 Certificates of Compliance may be suspended or revoked for non-compliance with the
313 provisions of this Act.

314

315 Complaints against registered chemical engineers and firms employing chemical
316 engineers may be filed by any person or by the Board *motu proprio*. Complaints shall be in
317 writing and sworn to by the persons executing them. Complaints shall be filed with the Secretary
318 of the Board.

319

320 SEC. 24. *Reissuance of Revoked Certificate of Registration or Certificate of Compliance*
321 *and replacement of lost Certificates* – The Board may, for reasons it may deem sufficient and
322 upon proper petition, reissue revoked Certificates of Registration or Certificates of Compliance.

323

324 A new Certificate of Registration or Certificate of Compliance may be issued to replace
325 a lost, destroyed or mutilated Certificate, subject to the rules and regulations of the Board, and
326 upon payment of the appropriate fees to the Commission.

327

328

329

330

331

ARTICLE IV.

332

333

PRACTICE OF CHEMICAL ENGINEERING

334

335 SEC. 25. *Vested Rights. Automatic Registration of Chemical Engineers* – All chemical
336 engineers who are registered at the time this Act takes effect shall automatically be registered.

337

338 SEC. 26. *Who may Practice Chemical Engineering* – Except as may be provided in this
339 Act, only persons properly licensed and registered may practice chemical engineering. No firm,
340 partnership, corporation or association may be licensed and registered as such for the practice of
341 chemical engineering, but duly licensed and registered chemical engineer may form partnerships
342 among themselves or with other licensed and registered engineers and architects and use the title
343 “Chemical Engineers,” “Engineers,” or Engineers and Architects” in their partnership name.

344

345 SEC. 27. *Prohibitions in the Practice of Chemical Engineering* – No person shall
346 practice chemical engineering or render chemical engineering service without a valid certificate
347 of registration and a valid professional identification card. Any person who shall commit the
348 following acts shall be guilty of misdemeanor:

349

350 a) Practice chemical engineering or render chemical engineering services, or pass
351 himself off or advertise himself as a chemical engineer without a valid certificate of registration
352 or when such has been suspended or revoked;

353

354 b) Attempt to use as his own the certificate or seal of another person or impersonate any
355 registered chemical engineer; or

356

357 c) Furnish the Board or Commission may false information or document in order to
358 secure a Certificate of Registration.

359

360 SEC. 28. *Roster of Chemical Engineers* – The Commission shall keep a roster of all duly
361 licensed and registered chemical engineers, stating their names, registration numbers and places
362 of business. The Commission shall regularly update such roster and make it available to all
363 interested parties.

364
365 SEC. 29. *Submission of Designs and Specifications for Government Approval* – Any
366 proposal, design, specification, working drawings or plan for an industrial plant or any part
367 thereof submitted to any government agency, national or local, including government-owned or
368 controlled corporations, shall not be processed or approved, nor shall such plant be issued any
369 permit, license, franchise, authorization or certification, unless such proposal, design,
370 specification, working drawing or plan is signed by a registered chemical engineer, with seal and
371 registration number affixed thereto.

372
373 SEC. 30. *Foreign Reciprocity*. – No foreign chemical engineer shall be granted any of
374 the right or privilege under this Act unless the country of which he is a subject or citizen grants
375 the same or similar rights or privilege to Filipino chemical engineers.

376
377 SEC. 31. *Act not Affecting Other Professions*. – This Act shall not be construed to affect
378 or prevent the practice of any other lawfully recognized profession.

379
380 SEC. 32. *Indication of License Number and Privilege Tax Receipt Payment* – The
381 chemical engineer shall be required to indicate his Certificate of Registration, Professional
382 Identification Card Number, date of issuance and the duration of validity, including the Privilege
383 Tax Receipt (PTR) of the documents he signs, uses or issues in connection with the practice of
384 his profession.

385
386 SEC. 33. *Membership in the Integrated and Accredited Professional Organization* –
387 there shall be an integrated national organization of chemical engineers duly accredited by the
388 Board and the Commission. A chemical engineers duly registered with the Board shall
389 automatically become a member of the accredited organization, and shall receive the benefits
390 appurtenant thereto upon payment of the required fees and dues. Membership in the integrated
391 and accredited national organization shall not be a bar to membership in other associations of
392 chemical engineers.

393

394

ARTICLE V.

395

396

GENERAL PROVISIONS

397

398 SEC. 34. *Penal Clause* – Any person who shall violate any of the provisions of this Act
399 shall be guilty of misdemeanor and shall, upon conviction, be sentenced to a fine of not less than
400 Ten thousand pesos (P10,000) nor more than One million pesos (P1,000,00.00) or imprisonment
401 for a period of not less than six (6) months nor more than five (5) years or both at the discretion
402 of the court.

403

404 SEC. 35. *Enforcement Assistance to the Board* – The Board shall be assisted by the
405 Commission in carrying out the provisions of this Act and its implementing rules and regulations

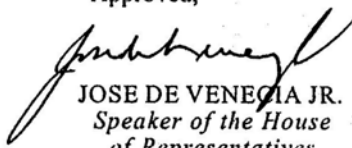
406 and other policies. The lawyers of the Commission shall act as prosecutors against illegal
407 practitioners and other violators of this Act and its rules. The duly constituted authorities of the
408 government shall likewise assist the Board and the Commission in enforcing the provisions of
409 this Act and its rules.

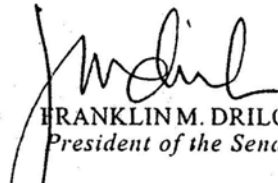
410
411 SEC. 36. *Implementing Rules and Regulations* – Subject to the approval of the
412 Commission, the Board shall adopt and promulgate such rules and regulations including the
413 Code of Ethics and Code of Technical Standards for Chemical Engineers to carry out the
414 provisions of this Act, which shall be effective after thirty (30) days following their publication
415 in the *Official Gazette* or in a major newspaper of general circulation.

416
417 SEC. 37. *Separability Clause*. – If any section of this Act shall be declared
418 unconstitutional or invalid, such shall not invalidate any other section of this Act.


419
420 SEC. 38. *Repealing Clause*. – Republic Act No. 318 is hereby repealed and all other laws,
421 decrees, orders, rules and regulations, ordinances, other issuances or parts thereof which are
422 inconsistent with this Act are hereby superseded, repealed or amended accordingly.


423
424 SEC. 39. *Effectivity*. – This Act shall take effect fifteen (15) days following its
425 publication in the *Official Gazette* or in any major newspaper of general circulation.
426

Approved,

JOSE DE VENECIA JR.
*Speaker of the House
of Representatives*



FRANKLIN M. DRILON
President of the Senate

This Act which is a consolidation of Senate Bill No. 2685 and House Bill No. 46 was finally passed by the Senate and the House of Representatives on February 6, 2004 and February 7, 2004, respectively.

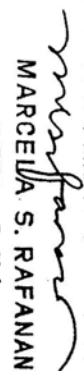

ROBERT P. NAZARENO
*Secretary General
House of Representatives*


OSCAR G. YABES
Secretary of the Senate

Approved: MAY 13 2004


GLORIA MACAPAGAL-ARROYO
President of the Philippines



5/19
5/19
CERTIFIED COPY:

MARCELA S. RAFANAN
DIRECTOR IV
Malacañang Records Office