
H. No. 10465
S. No. 2393

REPUBLIC ACT NO. 8559

AN ACT REGULATING THE PRACTICE OF
AGRICULTURAL ENGINEERING IN THE
PHILIPPINES

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

ARTICLE I

TITLE AND STATEMENT OF POLICY

SECTION 1. *Title.*—This Act shall be known as the “Philippine Agricultural Engineering Act of 1998.”

SEC. 2. *Statement of Policy.*—It is hereby declared a policy of the State to promote and upgrade the practice of agricultural engineering profession in the Philippines by instituting measures that will result in relevant agricultural engineering education and better career prospects for professional agricultural engineers.

Likewise, the State hereby guarantees the delivery of basic and technical services to accelerate agricultural modernization through adequate and well trained professional agricultural engineers throughout the country.

ARTICLE II

DEFINITION OF TERMS

SEC. 3. *Definition of Terms.*—As used in this Act, the following terms shall mean:

(a) Practice of agricultural engineering—shall refer to the profession requiring the application of the fundamental and known principles of engineering to the peculiar condition and requirements of agriculture as an industry and as a field of science, and shall include, but not limited to, the following:

(1) Consultation, valuation, investigation and management services on agricultural engineering;

(2) Management or supervision and the preparation of engineering designs, plans, specifications, project studies and estimates for agricultural, aquaculture and fishery, and forest product machinery, agricultural buildings and structures, farm electrification and energy systems, agricultural processing equipment, irrigation and

soils conservation systems and facilities, agricultural waste utilization systems and facilities;

(3) Conducting research and development, training and extension work, and consultancy services on agricultural engineering facilities/ services, system and technologies;

(4) Testing, evaluation and inspection of agricultural, fishery and forest product machinery and other related agricultural engineering facilities and equipment;

(5) Management, manufacturing and/ or marketing of agricultural machinery and other related agricultural engineering facilities and equipment;

(6) Teaching, agricultural engineering subjects in institution of learning in the Philippines;

(7) Employment with the government provided such item or position requires the knowledge and expertise of an agricultural engineer.

(b) Agricultural engineer - An agricultural engineer is a natural person who has been issued a certificate of registration by the Board of Agricultural Engineering and has taken the oath of profession of agricultural engineers.

ARTICLE III

BOARD OF AGRICULTURAL ENGINEERING

SEC. 4. *Creation and Composition of the Board.*—There is hereby created a Board of Agricultural Engineering, hereinafter called the Board, to be composed of a chairman and two (2) members to be appointed by the President of the Philippines from a list of three (3) recommendees for each position, chosen and ranked in the order of preference and submitted by the duly accredited association of agricultural engineers in the Philippines.

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

SEC. 5. *Qualifications of Members of the Board.*—A member of the Board shall, at the time of their appointment, possess the following qualifications:

(a) Must be a natural-born citizen and resident of the Philippines;

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

(c) Must be a holder of Bachelor's Degree in Agricultural Engineering or its equivalent, conferred by a school, academy, college or university in the Philippines or abroad that is accredited by the Commission on Higher Education (CHED);

(d) A registered agricultural engineer with a valid professional license and an active practitioner for not less than ten (10) years prior to his appointment;

(e) Must not, for a period of three (3) consecutive years prior to the appointment, be a member of the faculty of, directly or indirectly, in any school, academy, institute, college or university where a regular course in agricultural engineering is being taught, nor have any pecuniary interest in or administrative supervision over any such institutions of learning;

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

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

SEC. 6. *Term of Office.*—The members of the Board shall hold office for a term of three (3) years and until their successors shall have been appointed and qualified. Of the

members first appointed under this Act, one (1) member shall be appointed and hold office for three (3) years, one (1) member for two (2) years; and one (1) member for one (1) year.

The chairman or a member of the Board may be reappointed for another term but in no case shall he shall serve continuously for more than six (6) years. Each member of the Board shall qualify by taking the proper oath of office prior to entering upon the performance of duty;

SEC. 7. *Compensation and Allowances of the Board.*—The chairman and members of the Board shall receive compensation and allowances comparable to the compensation and allowances being received by the chairmen and members of existing regulatory boards with the Professional Regulation Commission, hereinafter referred to as the Commission as provided for in the General Appropriations Act.

SEC. 8. *Vacancy and Removal of Board Members.*—Any vacancy occurring in the Board within the term of a member shall be filled for the unexpired portion of the term only.

The President may remove any member of the Board on the following grounds:

(a) Neglect of duty;

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

(c) Final judgment of crimes involving moral turpitude;

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

SEC. 9. *Powers and Duties of the Board.*—The Board shall exercise the following specific powers, functions and duties:

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

(b) To supervise the registration, licensure and practice of professional agricultural engineers in the Philippines;

(c) To administer oaths of successful examinees entering the practice of agricultural engineering;

(d) To issue the certificate of registration to successful examinees;

(e) To issue, suspend or revoke the license for the practice of agricultural engineering profession;

(f) To adopt an official seal of the Board;

(g) To look into the conditions affecting the practice of the agricultural engineering profession and whenever necessary, adopt such measures as may be deemed proper for the enhancement and maintenance of high professional and ethical standards of the profession;

(h) To prescribe and/or adopt a Code of Ethical and Professional Standards for the practice of agricultural engineering profession.

(i) To hear and try administrative cases involving violations of this Act, its implementing rules and regulations, the Code of Ethics for Professional Agricultural Engineers and for this purpose, to issue *subpoena* and *subpoena duces tecum* to secure the appearance of witnesses and the production of documents in connection therewith;

(j) Prescribe guidelines in the Continuing Professional Education (CPE) program in coordination with the accredited association for professional agricultural engineers;

(k) To insure, in coordination with the Commission on Higher Education (CHED),

that all educational institutions offering agricultural engineering education comply with the policies, standards and requirements of the course prescribed by CHED in the areas of curriculum, faculty, library and facilities;

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

(m) To prepare, adopt, issue or amend the syllabi of the subjects for examinations;

(n) To approve, issue, limit or revoke temporary license to practice agricultural engineering.

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

SEC. 10. *Supervision of the Board, Custodian of its Records, Secretariat and Support Services.*—The Board shall be under the administrative supervision and of the Commission. All records of the Board, including applications for examination, examination papers and results, minutes of deliberation, administrative cases and other investigations involving agricultural engineers shall be kept by the Commission.

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

SEC. 11. *Annual Report.*—The Board shall, at the close of each calendar year, submit an annual report to the President through the Professional Regulatory Commission giving a detailed account of its proceedings and accomplishments during the year and making recommendations for the adoption of measures that will upgrade and improve the conditions affecting the practice of agricultural engineering in the Philippines.

ARTICLE V

EXAMINATION REGISTRATION AND LICENSE

SEC. 12. *Examination Required.*—All applicants for the examination for agricultural engineers shall establish the following:

- (a) Be a citizen of the Philippines;
- (b) Be a graduate of Bachelor of Science in Agricultural Engineering or its equivalent in a school, academy, institute, college or university duly recognized by the CHED.

SEC. 14. *Fraudulent Application.*—The Board may suspend or revoke any certificate of registration obtained through misrepresentation made in the application for examination.

SEC. 15. *Scope of Examination.*—The examination for agricultural engineering shall basically cover the following subjects:

- (1) Agricultural mechanization, power, machinery and equipment;
- (2) Soil and water conservation, irrigation and drainage; and
- (3) Rural electrification, agricultural processing and agricultural structures.

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

SEC. 16. *Rating in the Board Examinations.*—To be qualified as having passed the Board examination for agricultural engineers, a candidate must obtained a weighted general average of seventy percent (70%), with no grades lower than fifty-five percent (55%) in any given subject. However, an examinee who obtains a weighted general average rating of seventy percent (70%) or higher but obtain a rating below fifty-five percent (55%) in any given subject must take the examination in the subject or subjects

where he obtained a grade below fifty-five percent (55%).

SEC. 17. *Report of Ratings.*—The Board shall submit to the Commission the ratings obtained by each candidate within twenty (20) days after the examination, unless extended for just cause. Upon the release of the results of the examination, the Board shall send by mail the rating received by each examinee at his given address using the mailing envelope submitted during the examination.

SEC. 18. *Reexamination.*—An applicant who fails to pass the examination for the third time shall be allowed to take another examination only after the lapse of one (1) year.

SEC. 19. *Oath.*—All successful candidates in the examination shall be required to take their oath before the Board or any government official authorized to administer oaths, prior to entering upon the practice of the agricultural engineering profession.

SEC. 20. *Certificate of Registration and Professional License.*—A certificate of registration shall be issued to applicants who pass the examination for agricultural engineers subject to payment of registration fees.

The certificate of registration of a professional agricultural engineer shall bear the signatures of the chairman of the Board and of the chairman of the Professional Regulation Commission and stamped with the official seal of the Board indicating that the person named therein is a registered agricultural engineer.

A professional license bearing the registration number, date of issuance, expiry date, and duly signed by the chairman of the Board, shall likewise be issued to every registrant upon payment of the professional fee. No person shall practice agricultural engineering in this country unless such person has secured a license to practice agricultural engineering in the manner herein

provided. A licensee is entitled to practice agricultural engineering in the manner herein provided. A licensee is entitled to practice the profession with all the privileges appurtenant thereto until the expiration of the validity of his license.

SEC. 21. *Seal and Use of Seal.*—(a) Each registrant shall, upon registration, obtain the seal of such design as the Board of Agricultural Engineering may adopt. Plans and specifications prepared by, or under the direct supervision of a registered agricultural engineer, shall be stamped with the said seal during the validity of the professional license. No person shall stamp or seal any document with the seal of a registrant after his professional license has expired or lost its validity unless he has been reinstated to the practice and/or unless his license has been renewed.

(b) No officer or employee of the government, chartered cities, provinces and municipalities nor or hereafter charged with the enforcement of laws, ordinances or regulations relating to the construction or alteration of agricultural structures, machineries and equipment, process and systems shall accept or endorse any plans or specification which have not been prepared and submitted in full accord with the provision of this Act, nor shall any payment be approved by any such officer for any work, the plans and specifications of which have not been so prepared, signed and sealed by a duly registered agricultural engineer.

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

plans, specifications and other documents issued under his seal or authorized signature.

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

(d) Drawings and specifications duly signed, stamped or sealed as instruments of service are the property and documents of the agricultural engineer, whether the projects for which they were made is executed or not. No person, without the written consent of the agricultural engineer or author of said documents, shall duplicate or make copies of said documents for use in the repetition of and for other projects or buildings, whether executed partly of in whole.

(e) All drawings, specifications and other documents to be used for the design, construction, test and evaluation of agricultural structures, machineries, equipments, processes and systems shall be signed and sealed by a licensed agricultural engineer.

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

SEC. 22. *Indication of License and Professional Tax Receipt.*—The agricultural engineer shall be required to indicate his Professional License Number, the duration of validity, including the professional tax receipt number on the documents he signs, uses or issues in connection with the practice of his profession.

SEC. 23. *Grounds for Suspension and Revocation of License, Cancellation of Temporary/Special Permit.*—The Board shall have the power, upon due notice and hearing, to revoke or suspend the license of an agricultural engineer, or to cancel a

temporary/special permit for any cause specified in the preceding sections, including, but not limited to, the use or perpetuation of any fraud or deceit in obtaining a certificate of registration, or for incompetence, negligence or for abetting the illegal practice of agricultural engineering; violation of the provisions of this Act, its implementing rules and regulations and/or violations of the policies of the Board including the Code of Ethics and Professional Standard for agricultural engineers: *Provided, however,* That such action of the Board shall be subject to appeal to the Commission within fifteen (15) days from written notice.

ARTICLE V

PRACTICE OF AGRICULTURAL ENGINEERING

SEC. 24. *Vested Rights: Automatic Registration of Practicing Agricultural Engineers.*—All practicing agricultural engineers who are registered at the time this Act takes effect, shall automatically be registered.

SEC. 25. *Practice not Allowed for Firms and Corporations.*—The practice of agricultural engineering is a professional service, admission to which shall be determined upon the basis of an individuals personal qualifications.

No firm, company, partnership, or corporation may be registered or licensed as such for the practice of agricultural engineering: *Provided, however,* That persons properly registered and licensed as agricultural engineer may among themselves or with a person or persons properly registered and licensed as an agricultural engineer may form or obtain registration with the Securities and Exchange Commission (SEC) of a firm, partnership or association using the term "Agricultural Engineers," but nobody shall be a member, partner or associate unless he is a duly registered and licensed agricultural engineer.

SEC. 26. *Integration of Agricultural Engineers.*—The agricultural engineering

profession shall be integrated into one (1) national organization which shall be recognized by the Board and by the Commission as the one and only integrated and accredited association of agricultural engineers. An agricultural engineer duly registered with the Board shall automatically become a member of the integrated and accredited association of agricultural engineers, and shall receive the benefits and privileges appurtenant thereto upon payment of the required fees and dues. Membership in the integrated and accredited association shall not be a bar to membership in other associations of agricultural engineers.

SEC. 27. *Foreign Reciprocity.*—No foreign agricultural engineer shall be issued a temporary license to practice the agricultural engineering profession or consultancy thereof or be entitled to any of the rights and privileges under this Act unless the country of which he is a subject or citizen specifically permits Filipino agricultural engineers to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.

SEC. 28. *Funding.*—All sums as may be necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law.

SEC. 29. *Implementing Rules and Regulations.*—Subject to the approval of the Commission, the Board shall adopt and promulgate such rules and regulations, including the Code of Ethics and Professional Standards for Agricultural Engineers, to carry out the provisions of this Act, which shall be effective after thirty (30) days following its publication in the *Official Gazette* or in a major daily newspaper of general circulation.

SEC. 30. *Enforcement.*—The Professional Regulation Commission shall be the enforcement agency of the Board. As such, the Commission shall implement the concerned provisions of this Act, enforce its

implementing rules and regulations as adopted by the Board, conduct investigations on complaints including violations of the Code of Ethics and Professional Standards of the profession and persecute when so warranted.

SEC. 31. *Transitory Provisions.*—The existing Board of agricultural engineering shall continue to function in the interim until such time the new Board shall be constituted pursuant to this Act.

SEC. 32. *Penalties.*—In addition to the administrative sanctions imposed under this Act, any person who violates any of the provisions of this Act shall, upon conviction, be penalized by a fine not more than Fifty thousand pesos (P50,000.00) nor more than Two hundred thousand pesos (P200,000.00), or imprisonment of not less than six (6) months nor more than three (3) years, or both fine and imprisonment at the discretion of the court.

SEC. 33. *Separability Clause.*—If any clause, provision, paragraph or part hereof shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any part hereof, but such judgment shall be merely confined to the clause, provision, paragraph or part directly involved in the controversy in which such judgment has been rendered.

SEC. 34. *Repealing Clause.*—All laws, decrees, executive orders and other administrative issuances and parts thereof which are inconsistent with the provisions of this Act are hereby modified or superseded. Republic Act No. 3927 is hereby repealed.

SEC. 35. *Effectivity.*—This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in a major daily newspaper of general circulation in the Philippines, whichever comes first.

Approved, February 26, 1998.