

[REPUBLIC ACT NO. 9297, May 13, 2004]

**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. —

- a. (a) Practice of chemical engineering shall mean rendering or offering of professional chemical engineering service or a fee, salary, reward or compensation, paid to him or through another person, or even without such reward or compensation. The term shall be synonymous with the term "rendering chemical engineering service."

Offering of professional chemical engineering service for a fee, salary, reward or compensation, paid to him or through another person, or ever, without such reward or compensation. The term shall be synonymous with the term "rendering chemical engineering service."

- b. Industrial plant shall mean any plant in which a unit process and or operations are involved, including the related pollution control and abatement process or operations.
- c. Unit process shall mean the chemical change which is involved in the manufacture of industrial or consumer products or the treatment of industrial or chemical wastes.
- d. Unit operation shall mean the physical operation by which a desired step in an industrial process is conducted or controlled. This includes, but is not limited to: storage of gases, liquids, solids, heat, transfer, evaporation; mass transfer,

i.e. distillation, absorption, adsorption, drying, humidification, extraction, leaching, mixing and dispersion, separation, i.e., filtration, screening, molecular sieving and coalescing.

- e. Professional chemical engineering subjects shall mean any of the following and similar chemical engineering topics: chemical engineering thermodynamics; chemical engineering calculations; physical and chemical principles; industrial processes; momentum transfer; heat transfer; mass transfer; industrial waste management and control; process equipment and plant design; and biochemical engineering and bioengineering; and
- f. Chemical engineer shall mean a person duly registered and a holder of a valid Certificate of Registration and Professional Identification Card issued by the Board of Chemical Engineering and the Professional Regulation Commission.

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

- 1. Consultation requiring chemical engineering knowledge, skill and proficiency;
- 2. Investigation;
- 3. Estimation and/or valuation;
- 4. Planning;
- 5. Preparation of feasibility studies;
- 6. Designing;
- 7. Preparation of specifications;
- 8. Supervision of installation;
- 9. Operation, including quality management; but excluding chemical analysis and operation of the chemical laboratory; and
- 10. Research and development.

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

ARTICLE II

Creation of the Professional Regulatory Board for Chemical Engineers

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

SEC. 6. *Powers and Duties of the Board.* — The Board shall have the following powers and duties:

- a. Supervise and regulate the practice of the chemical engineering profession;
- b. Determine and evaluate the qualifications of the applicants for registration;
- c. Prescribe the subjects in the licensure examination; determine the syllabi of the subjects and their relative weights; construct the test questions in the examination; score and rate the examination papers; and submit the examination results to the Commission;
- d. Issue together with the Commission, Certificates of Registration and Professional Identification Card to applicants who have passed the licensure examinations for registered chemical engineers;
- e. Issue special permits to persons admitted to the practice of the profession and Certificate of Recognition for advance studies and researches and accomplishments in the profession that contribute to its enrichment;
- f. Inquire into the conditions affecting the practice of the profession and adopt measures for the enhancement and maintenance of a high professional, ethical and technical standard. Pursuant thereto, the Board may inspect establishments where chemical engineers practice their profession, such as factories, plants, offices and the like or order to determine and enforce compliance with the provisions of this Act and issue Certificate of Compliance;
- g. In coordination with the Commission on Higher Education (CHED), inspect the facilities, faculty, equipment and other aspects directly related to the chemical engineering program of educational institutions;
- h. Adopt rules and regulations for the practice of chemical engineering;
 - i. Adopt a Code of Ethics and a Code of Technical Standards for the practice of chemical engineering;
 - j. Investigate, in accordance with the rules on administrative investigation promulgated by the Commission, violations of this Act and its implementing rules and regulations, the Code of Ethics and the Code of Technical Standards for chemical engineers, administrative policies, orders and issuances promulgated by the Board;
- k. Issue subpoena and subpoena duces tecum to secure the attendance witnesses or the production of documents in connection with any administrative case before the Board;
- l. Hear and decide administrative cases filed against chemical engineers and firms employing chemical engineers. The hearing shall be presided by the Chairman or a Member of the Board with the assistance of an Attorney of the Commission. Any decision shall be concurred in by at least a majority of the Board. Decisions of the Board may be appealed to the Commission within fifteen (15) days from notice, otherwise such decisions shall become final and executory;
- m. Administer oaths in connection with the performance of its functions;
- n. Adopt an official seal and prescribe the seal of the chemical engineering profession;
- o. Submit an annual report on the proceedings and accomplishments during the year and/or recommendations of the Board to the Commission thirty (30) days after the close of each calendar year;
- p. Prosecute or institute criminal action against any violation of this Act and/or rules and regulations of the Board;

- q. (q) Prescribed guidelines and criteria on the Continuing Professional Education (CPE) program for chemical engineers in consultation with the integrated and accredited chemical engineering organization; and
- r. Perform such other functions as may be necessary in order to implement the provisions of this Act.

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

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

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

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

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

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

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