

[REPUBLIC ACT NO. 4374, June 19, 1965]

**AN ACT TO REGULATE THE PRACTICE OF GEODETIC
ENGINEERING IN THE PHILIPPINES**

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

SECTION 1. *Short Title of Act.*—This Act shall be known as the "Geodetic Engineering Law".

SEC. 2. *Geodetic Engineer.*—Any person who is technically and legally qualified to practice geodetic engineering under this Act shall be known "geodetic engineer", which term shall supersede "surveyor", in accordance with this Act.

SEC. 3. *Creation and Composition of the Board.*—There is hereby created a Board of Examiners for Geodetic Engineers hereinafter referred to as the Board, to be composed of a Chairman and two Members, all to be appointed by the President of the Philippines with the consent of the Commission on Appointments, upon the recommendation of the Commissioner of Civil Service from among the registered practicing geodetic engineers of recognized standing in the Philippines as certified to by any officially recognized association of geodetic engineers in the Philippines and possessing the qualifications prescribed in section five of this Act. The first members of the Board shall be appointed within two years from the approval of this Act: *Provided*, That the present Board of Examiners for Surveyors shall continue to function in lieu of the new Board until the members of the latter shall have been appointed and qualified.

SEC. 4. *Powers and duties of the Board.*—The Board is vested with the authority, conformably with the provisions of this Act, to:

- a. Administer the provisions of this Act;
- b. Administer oaths in connection with the administration of this Act;
- c. Issue, suspend or revoke certificates of registration for the practice of geodetic engineering;
- d. Study the conditions affecting geodetic engineering courses and training and the practice of the geodetic engineering profession in the Philippines, and exercise the powers conferred upon it by this and other Acts with a view to the maintenance of efficient, ethical, technical, moral and professional standards in the practice of geodetic engineering;
- e. Study and examine, in cooperation with the Department of Education, the facilities of schools, colleges or universities seeking permission to open courses or already offering courses in geodetic engineering to see to it that the essential requirements, including the employment of qualified faculty members, are properly complied with;

- f. Recommend the opening of colleges or schools in geodetic engineering to the Department of Education or other entity concerned with the granting of school permits or authorization;
- g. Investigate violations of this Act and, for this purpose, issue *subpoena* and *subpoena duces tecum* to secure attendance of witnesses and the production of documents in connection with the charges presented to and/or any investigation pending before the Board; and if any person shall refuse to obey any *subpoena* so issued or shall refuse to testify or produce any book, document, or other pertinent evidence required thereunder, the Board may petition the proper Court of First Instance setting forth the facts and thereupon such court shall, in a proper case, issue a *subpoena* to said person, requiring him to appear before the Board, and thereto testify and/or produce such books, papers, documents or other pertinent evidence as may be required by such *subpoena*. Any person failing or refusing to obey the *subpoena* or order of the said court shall be held liable in the same manner as for refusal to obey any other *subpoena* or order of the court.
- h. Recommend or adopt, whenever necessary, such measures as may be deemed proper for the advancement of the profession and for the proper enforcement of this Act.

SEC. 5. *Qualification of Board Members.*—Each member of the Board must, at the time of his appointment, be:

- a. A citizen and resident; of the Philippines;
- b. At least thirty-one years of age and of good moral character;
- c. A registered geodetic engineer under this Act;
- d. Actually in active practice of the Geodetic Engineering or Surveying profession for at least ten years in or outside of the government service;
- e. Not a member of the faculty of any school, institute, college or university where a regular course in Geodetic Engineering or Surveying is taught, or if he has been such a faculty member, he has stopped teaching therein for at least three consecutive years immediately preceding his appointment; and
- f. Not pecuniarily interested, directly or indirectly, in any school, institute, college or university where a regular course in Geodetic Engineering is taught.

SEC. 6. *Term of Office.*—The members of the Board shall hold office for a term of three years: *Provided*, That the first appointee to the Board shall hold office for the following terms: the Chairman for three years, one member for two years, and one member for one year. Any vacancy occurring within the term of a member shall be filled for the unexpired portion of the term only. Each member of the Board shall qualify by taking the proper oath prior to the assumption of office.

SEC. 7. *Executive Officer and Secretary of the Board.*— The Commissioner of Civil Service shall be the executive officer of the Board, and shall conduct the examination given by it according to the rules and regulations promulgated by him and approved by the President of the Philippines. The Secretary of the Board of Examiners appointed in accordance with section ten of Act Numbered Four Thousand Seven, as amended by Republic Act Numbered Five Hundred and Forty-six, shall also be the Secretary of the Board. All the records of the Board, including examination papers, minutes of deliberations and records of administrative proceedings and investigations, shall be kept by the Commissioner of Civil Service.

SEC. 8. *Compensation of the Board.*—The members of the Board shall each receive

as compensation a fee of ten pesos for each applicant examined and ten pesos for each certificates of registration granted without prior examination.

SEC. 9. *Removal of Board Members.*—The President of the Philippines may, upon recommendation of the Commissioner of Civil Service, suspend or remove any member of the Board for continued neglect of duty, incompetence, commission or tolerance of irregularities in the examination, malpractice, or unprofessional or dishonorable conduct, after having given the member concerned an opportunity to be heard and/or defend himself in a proper administrative investigation.

SEC. 10. *Rules and Regulations.*—The Board may, subject to the approval of the Commissioner of Civil Service and of the President of the Philippines, promulgate such rules, regulations, and code of ethics as may be necessary to carry out the provision of this Act. After its approval, the rules, regulations or code of ethics shall be published in the Official Gazette. Penal provisions may be included in said rules and/or regulations, the violations of which shall be punishable by a fine of not more than two hundred pesos or an imprisonment for not more than six months, or both, in the discretion of the court.

SEC. 11. *Annual Report.*—The Board shall submit an annual report to the President of the Philippines after the close of each fiscal year, giving a detailed account of its proceedings during the year and embodying such recommendations as it may deem proper.

SEC. 12. *Inhibition against practice of Geodetic Engineering.*—No person shall practice or offer to practice geodetic engineering in the Philippines as defined in this Act, or use the title "Geodetic Engineer" or any word, letter, figure or sign whatsoever, tending to convey the impression that he is a geodetic engineer, or advertice or indicate in any manner that he is qualified to perform the work of a geodetic engineer without holding a valid certificate of registration as geodetic engineer issued by the Board in accordance with this Act.

SEC. 13. *Definition and scope of terms.*—Any person, except geodetic engineering or surveying students and graduates who perform geodetic engineering work under the supervision of a registered geodetic engineer-instructor for the purpose of training, shall be deemed to be practicing geodetic engineering within the meaning and intent of this Act, who shall, with or without, fee, salary or other reward or compensation:

- a. Perform professional services as geodetic engineer ; or
- b. Survey and prepare plan of land for registration in the registry of property without a registered geodetic engineer's supervision; or
- c. Undertake any work in which a transit, theodolite, and/or tape is used, for purposes of property registration;
- d. Survey and prepare topographic, hydrographic and economic maps for social, economic and engineering studies or planning; or
- e. Be engaged as instructor or professor in a technical subject in any geodetic engineering course in any school or college; *Provided*, That this provision shall not apply to military or nautical schools.

SEC. 14. *Examination required.*—Except as otherwise permitted under this Act, all applicants for registration for the practice of geodetic engineering shall undergo a technical examination as provided for herein.

SEC. 15. *Qualifications of Applicants.*—In order to be admitted to the geodetic engineering examination, an applicant must, at the time of filing his application therefor, establish to the satisfaction of the Board that:

- a. He is at least twenty-one years of age;
- b. He is a citizen of the Philippines, or a foreigner qualified to take the examination under section thirty-one of this Act; ,
- c. He is in good health and of good moral character; and
- d. He is a holder of the degree of Bachelor of Science in Geodetic Engineering from any school, institute, college or university recognized by the Government: *Provided*, That said standard course includes Mathematics, Physical Sciences; Laws on Natural Resources, Land Registration and Property, and the Land Reform Code; Plane Surveying, including isolated, mineral and cadastral land surveys; Railroad Curves and Earthworks; Hydrographic and Topographic Surveying; Geodesy, including Geodetic Surveying, Geodetic Astronomy, Geodetic Triangulation, Geodetic Levelling, Gravity Measurements, and Least Squares; Photogrammetry and Cartography: *Provided, further*, That within three years after the approval of this Act, holders of a certificate of Associate in Surveying, with at least one year field experience under a licensed geodetic engineer, shall be qualified to take the geodetic engineering examination.

SEC. 16. *Holding of Examination.*—Examination for candidates desiring to practice geodetic engineering in the Philippines shall be given by the Board twice a year in the City of Manila or at such other place as may be deemed necessary and expedient by the Board, subject to the approval of the Commissioner of Civil Service and the President of the Philippines.

SEC. 17. *Scope of Examination.*—The Examination of the practice of geodetic engineering in the Philippines shall consist of written tests, which shall cover mathematics, theory and practical problems in surveying including problems in isolated, cadastral and mineral land surveys, cartography, laws on property and registration of title thereto, geodesy and other subjects which the Board may prescribe for the standard curriculum as approved by the Department of Education.

SEC. 18. *Ratings in the Examination.*—In order to pass the examination, a candidate must obtain an average rating of seventy per cent, with no rating below fifty percent in any subject: *Provided*, That an applicant, who fails to obtain a passing average rating but who obtained at least seventy percent in each of at least one-half ($\frac{1}{2}$) of the total subjects given in the examination, may be permitted to take within two years from the date of his first examination, another examination on the subjects in which he obtained a grade below seventy percent. Should the examinee still fail in the set of subjects repeated in the second examination, he shall be required to take all the subjects in the next examination.

SEC. 19. *Report of Results of Examination.*—The Board shall, within one hundred and twenty days after the examination, report the result thereof to the Commissioner of Civil Service, who shall, with his recommendation, submit such result to the President of the Philippines for approval.

SEC. 20. *Issuance of Certificates.*—A Certificate of registration for geodetic engineer shall be issued to any applicant who passes the examination after the approval of