

[Commonwealth Act No. 294, June 09, 1938]

COMMONWEALTH ACT NO. 294 - AN ACT TO REGULATE THE PRACTICE OF MECHANICAL ENGINEERING IN THE PHILIPPINES, TO PROVIDE FOR LICENSING, THE OPERATING PERSONNEL IN MECHANICAL PLANTS AND FOR OTHER PURPOSES

ARTICLE I - Organization of the Board

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

SEC. 2. Creation and composition of Board. — Within thirty days after the approval of this Act, there shall be created a Board of Mechanical Engineering Examiners, to be composed of three members, one of whom is to be designated chairman; all to be appointed by the Secretary of Public Works and Communications.

SEC. 3. Powers vested in Board. — The Board of Mechanical Engineering Examiners is vested with authority conformably with the provisions of this Act, to administer the provisions thereof, to issue, suspend and revoke certificates of registration for the practice of mechanical engineering and to administer oaths.

In carrying into effect the provisions of this Act, the Board may, under the hand of its Chairman and the seal of the Board, subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the Board may administer oaths or affirmations to witness appearing before the Board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any book, paper, document, etc., the Board may present its petition to the Court of First Instance, setting forth the facts, and thereupon such court shall, in a proper case, issue its subpoena to such person, requiring his attendance before such court and there to testify or to produce such books, papers, documents, etc., as may be deemed necessary and pertinent by the Board. Any person failing or refusing to obey the subpoena or order of the said court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the court.

The Board may exercise the powers conferred upon it by this Act, shall study the conditions affecting the practice of mechanical engineering in all parts of the Philippines, and shall make recommendations to the Secretary of Public Works and Communications with a view to the efficient maintenance of ethical and technological standards in the practice of mechanical engineering for the public well-being and for the adequate safeguarding of life, health and property; thereby fostering the orderly progress of industrialization in the Philippines.

SEC. 4. Qualifications of Board members. — Each member of the Board shall, at the time of his appointment:

- (1) Be a citizen of the Philippines and a resident thereof.
- (2) Hold the degree of M.E. or B.S.M.E. or M.M.E. or M.S.M.E., or the equivalent

thereof conferred by an engineering school or college, legally chartered and of good standing.

(3) Be legally qualified to practice professional mechanical engineering in the Philippines.

(4) Had been a mechanical engineer, engaged in the practice of professional mechanical engineering for at least ten years previous to his appointment.

(5) Not be a member of the faculty of any school, college or university where a regular course in mechanical engineering is taught, nor have pecuniary interest in such institution.

SEC. 5. Term of office. — The members of the Board shall hold office for a term of three years after their appointment or until their successors shall have been appointed and duly qualified. The members of the first Board appointed under this Act shall hold office for the following terms: One member for one year, one member for two years, and one member for three years. Vacancies shall be filled for the unexpired term only. Each member of the Board shall qualify by taking the proper oath of office prior to entering upon the performance of his duties.

SEC. 6. Executive officer of Board. — The Commissioner of Civil Service shall be the executive officer of the Board, shall conduct the examinations given by the Board, and shall designate any subordinate officer of the Bureau of Civil Service to act as secretary of the Board. All records and minutes of the deliberations of the Board, including all examination papers, shall be kept by the Bureau of Civil Service.

SEC. 7. Removal of Board members. — The Secretary of Public Works and Communications may remove any member of the Board for continued neglect of duty or incompetency, or for unprofessional or dishonorable conduct, after having given the member concerned an opportunity to defend himself in the proper administrative investigation.

SEC. 8. Compensation of Board. — The members of the Board shall each receive as compensation the sum of five pesos for each applicant appointed or registered without examination for any of the first three grades provided under Section 11 hereof; and three pesos for each applicant registered without examination or examined for the grade of certified plant mechanic. Any mechanical engineer in the service of the Government of the Philippines appointed as member of the Board shall receive the compensation herein provided, in addition to his salary. All fees shall be received by the officer designated by competent authority as the collecting officer for the Bureau of Civil Service, and such officer shall pay all authorized expenses of the Board, including the compensation provided for by this Act for the members of the Board.

SEC. 9. Rules and regulations. — The Board shall, with the approval of the Secretary of Public Works and Communications and with the advice and consent of the Commissioner of Civil Service, adopt rules and regulations governing the examinations and the standards to be attained in them, and shall also promulgate such other rules and regulations as may be necessary to carry the provisions of this Act into effect. Penal provisions may be included in said regulations, the violation of which shall be punishable by a fine of not more than two hundred pesos or by

imprisonment for not more than two months, or both, in the discretion of the court.

SEC. 10. Annual report. — The Board shall submit an annual report to the Secretary of Public Works and Communications after the close of each calendar year, giving a detailed account of its proceedings during the year and making such recommendations as it may deem proper.

ARTICLE II - Registration and Examination

SEC. 11. Grades. — Certificates of registration for practice of mechanical engineering shall be of four grades and in the order of rank as follows:

(1) Professional mechanical engineer, (2) mechanical plant engineer, (3) junior mechanical engineer, and (4) certified plant mechanic.

SEC. 12. Inhibition against the practice of mechanical engineering. — Unless exempt from registration, no person shall practice or offer to practice mechanical engineering in the Philippines, without having previously obtained a certificate of registration from the Board of Mechanical Engineering Examiners.

SEC. 13. Definitions of terms. — (a) Mechanical engineering. — A person shall be deemed to be practicing mechanical engineering or rendering mechanical engineering service within the meaning and intent of this Act, who shall, for a fee, salary or other reward or compensation paid to himself or to another person, or even without such reward or compensation, render professional mechanical engineering service in the form of consultation, investigation, valuation, planning, design, or preparation of specifications or estimates for, or take charge of, supervise or undertake the construction, erection, installation or alteration of, or render engineering service in connection with the manufacture, sale, supply or distribution of, or to manage, operate, tend or maintain any mechanical equipment, machinery or process, for any mechanical works, project or plant; or who shall, by means of signs, cards, advertisement or in any other way, offer to practice mechanical engineering service, use, assume or advertise any title or description tending to convey the impression that he is a professional engineer, or mechanical plant engineer, or junior mechanical engineer, or certified plant mechanic, or that he is engaged in the practice of mechanical engineering as defined in this Act.

(b) The term "mechanical equipment, machinery or process," as used in this Act, shall include steam engines, internal combustion engines, boilers, turbines, crushers, mills, mixers, pumps, compressors, cranes, conveyors, hoists, elevators, pipe lines, line-shafting, etc., but shall not include motor vehicles, street cars, locomotives, steamships, motorships, airplanes, and similar machinery used as means of transportation, nor shall include generators, motors, transformers, rectifiers, or similar machinery or apparatus primarily electrical in nature, nor mechanical or mill supplies, hardware and similar articles.

(c) The term "mechanical works, project or plant," as used in this Act, shall include steam plants, internal combustion engine plants, hydraulic power plants, pumping plants, refrigerating plants, mills, shops, factories, foundries, shipyards, etc., containing any mechanical equipment, machinery or process, driven by steam, internal or external combustion fuel, electricity, air, gas, water, heat, chemicals or other prime movers : Provided, however, That the provisions of this Act shall not

apply to any mechanical works, project, or plant of less than twenty (20 H.P.) horsepower, nor to mechanical works, projects or plants of the United States army or navy, nor to such mechanical works, projects or plants of the national, provincial, municipal, or city governments as may be declared exempted by the Secretary of Public Works and Communications.

(d) The term "horsepower," as used in this Act, shall mean the mechanical unit of power equal to five hundred fifty (550 ft. lb.) foot-pounds per second, and shall apply to the normal horsepower rating of the engine, motor, turbine, or other prime mover, at full load, as stamped on the name plate attached to the prime mover. In the absence of a name plate rating, the horsepower rating of a prime mover, for purposes of compliance with the provisions of this Act, shall be determined by reference to the manufacturer or local agent or by calculation or other method of determination made by a reputable registered professional mechanical engineer. Such determinations of horsepower rating shall be accepted as correct until otherwise determined by the Board of Mechanical Engineering Examiners, whose decision shall be final.

(e) Capacity of works, project, or plant. — The horsepower rating of a mechanical works, project or plant, for purposes of compliance with the provisions of this Act, shall be the total horsepower of all engines, motors, turbines, or other prime movers installed for use in such works, projects or plant, whether in operation or not, and without regard to the number or capacities of the mechanical equipment, machineries or processes receiving power from or intended to be driven by such prime movers.

SEC. 14. Exemption from registration. — Registration shall not be required of the following classes of persons:

(a) Officers or enlisted men of the United States army or navy, or employees of the federal government of the United States.

(b) Employees and officials of the government of the Philippines, whether national, provincial, municipal or city, while engaged in the practice of mechanical engineering for said government, unless the appointing power decides to make registration a requirement for employment and so reports to the Board.

(c) Mechanical engineers, or erection or guarantee engineers from other countries called in for consultation or for a specific design or installation, or project not requiring more than three (3) months' residence in the Philippines in any twelve (12) months' period: Provided, That such engineers are legally qualified to practice mechanical engineering in their own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this Act.

(d) Foreigners employed as technical officers, professors or consultants in such special branches of mechanical engineering as may, in the judgment of the Secretary of Public Works and Communications, be necessary and indispensable for the country.

(e) Engineering students, apprentices, and other persons employed or acting as subordinates of, or undergoing training under a person holding a valid certificate of

registration under this Act.

(f) Any person practicing mechanical engineering in a mechanical works, project, or plant of less than twenty (20 H.P.) horsepower.

SEC. 15. Examination required. — Except as otherwise specifically allowed under the provisions of this Act, all applicants for registration for the practice of mechanical engineering shall be required to undergo a technological examination as provided in this Act.

SEC. 16. Qualifications of applicant for professional mechanical engineer. — Any person applying for examination and for a certificate of registration as professional mechanical engineer shall, prior to admission to examination, establish to the satisfaction of the Board:

(a) That he is at least twenty-five years of age.

(b) That he is of good reputation and moral character.

(c) That he has completed the high school course or its equivalent.

(d-1) That he has graduated from an engineering school or college approved by the Board as of satisfactory standing, after completing an approved course in mechanical engineering of not less than four years, and that he has a specific record of an additional four years or more of active practice in mechanical engineering work of a character satisfactory to the Board and indicating that the applicant is competent to render professional mechanical engineering service and to be placed in responsible charge of, supervise and undertake such work; or

(d-2) That he has completed at least two years of technical engineering training satisfactory to the Board, or has graduated in a course other than engineering from a college or university of recognized standing, and that he has a specific record of an additional eight years or more of active practice in mechanical engineering work of a character satisfactory to the Board and showing in an affidavit by a registered professional mechanical engineer that the applicant is competent to render professional mechanical engineering service and to be placed in responsible charge of, supervise and undertake such work.

In considering the qualifications of applicants, being in charge of mechanical engineering teaching in an engineering school of recognized standing may be regarded as being in active practice in mechanical engineering work.

SEC. 17. Qualifications of applicant for mechanical plant engineer. — Any person applying for examination and for a certificate of registration as mechanical plant engineer shall, prior to admission to examination, establish to the satisfaction of the Board:

(a) That he is at least twenty-three years of age.

(b) That he is of good reputation and moral character.

(c) That he has completed the high school course or its equivalent.