



HOUSE OF REPRESENTATIVES

H. No. 5357

BY REPRESENTATIVES ACOSTA, NEPOMUCENO, ANDAYA, ABAYON, OLAÑO,
JALA, CHATTO, ZIALCITA, SOON-RUIZ, YAPHA, RAMIRO, JOSON,
BATERINA, MAGSAYSAY (M.), SOLIS, VILLAROSA, NOEL, MARCOS AND
ROMUALDO, PER COMMITTEE REPORT NO. 1606

AN ACT REGULATING THE PRACTICE OF ENVIRONMENTAL
PLANNING, REPEALING FOR THE PURPOSE PRESIDENTIAL
DECREE NUMBERED ONE THOUSAND THREE HUNDRED
AND EIGHT, ENTITLED "LAW REGULATING THE
ENVIRONMENTAL PLANNING PROFESSION IN THE
PHILIPPINES" AND FOR OTHER PURPOSES

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

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ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Title.* – This Act shall be known as the "Environmental
Planning Act of 2006".

SEC. 2. *Declaration of Policy.* – The State recognizes the importance
of environmental planners in nation building and development. Hence, it shall
develop and nurture competent, virtuous, productive and well-rounded
professional environmental planners whose standards of practice and service

1 shall be excellent, qualitative, world-class and globally competitive through
2 inviolable, honest, effective and credible licensure examinations and through
3 regulatory measures, programs and activities that foster their professional
4 growth and development.

5 SEC. 3. *Objectives.* – This Act shall govern:

6 (a) The examination, registration and licensure of environmental
7 planners;

8 (b) The supervision, control and regulation of the practice of
9 environmental planning;

10 (c) The development and upgrading of the curriculum of environmental
11 planning profession;

12 (d) The development of the professional competence of environmental
13 planners through continuing professional education; and

14 (e) The integration of the environmental planning profession.

15 SEC. 4. *Definition of Terms.* –

16 (a) “Environmental planning”, otherwise known as urban and regional
17 planning, city planning, town and country planning and/or human settlements
18 planning, refers to the art and science of analyzing, specifying, harmonizing,
19 managing and regulating the use and relationships of land and its environs for
20 the development of sustainable communities and ecosystems.

21 (b) “Environmental planner” refers to a person who is registered and
22 licensed to practice environmental planning and who holds a valid certificate
23 of registration and a valid professional identification card from the Board of
24 Environmental Planning and Professional Regulation Commission.

25 (c) “Environmental planner-in-charge” refers to a registered
26 environmental planner who either:

1 (1) Acts as lead professional in, or coordinates and supervises, the
2 preparation of any of the environmental plans and studies set forth in Section 5
3 of this Act; or

4 (2) Reviews, co-signs and/or officially transmits or endorses to the
5 client any of the plans submitted by other members of a planning team for a
6 program or project and who shall be held directly liable for such plans
7 prepared under his/her supervision or co-signed or reviewed by him/her.

8 (d) "Accredited Professional Organization (APO)" refers to the duly
9 accredited professional organization of environmental planners.

10 SEC. 5. *Scope of Practice.* – The practice of environmental planning,
11 within the meaning and intent of this Act, shall embrace, *inter alia*, the
12 following:

13 (a) Providing professional services in the form of technical
14 consultation, plan preparation, capacity building and monitoring and
15 evaluation of implementation involving the following:

16 (1) Preparation of national, regional or local development
17 and/or physical framework and land-use plans;

18 (2) Preparation of comprehensive land-use plans, zoning and
19 related ordinances, codes and other legal issuances for the
20 management and development, preservation, conservation,
21 rehabilitation, regulation and control of the environment, including
22 water resources;

23 (3) Development, conservation, redevelopment and
24 revitalization of a barangay, municipality, city, province, region or
25 any portion or combination thereof; and

26 (4) Development of a site for a particular need such as
27 economic or ecological zones; or agriculture, fishery, forest or
28 tourism development zones; and housing and other estate

1 development projects, including creating a spatial arrangement of
2 buildings, utilities, transport and communications;

3 (b) Preparing the following studies in relation to any of the
4 activities enumerated in (a) above:

5 (1) Pre-feasibility, feasibility and other related concerns;

6 (2) Environmental assessments; and

7 (3) Institutional, administrative or legal systems;

8 (c) Teaching, lecturing or reviewing any professional subject
9 included in the curriculum and in the licensure examinations for
10 environmental planning; and

11 (d) Serving as expert witness, resource person, lecturer, juror
12 or arbitrator in hearings, competitions, exhibitions and other public
13 fora.

14 ARTICLE II

15 PROFESSIONAL REGULATORY BOARD OF ENVIRONMENTAL PLANNING

16 SEC. 6. *Professional Regulatory Board of Environmental Planning.* –

17 There is hereby created a Professional Regulatory Board of Environmental
18 Planning, hereinafter referred to as the Board, which shall be composed of a
19 chairman and two members under the administrative control and supervision of
20 the Professional Regulation Commission, hereinafter referred to as the
21 Commission. They shall be appointed by the President of the Philippines from
22 a list of three recommendees for each position ranked by the Commission from
23 a list of five nominees for each position submitted by the accredited
24 professional organization of environmental planners.

25 The new Board under this Act shall be constituted within six months
26 from the effectivity thereof.

27 SEC. 7. *Term of Office.* – The chairman and members of the Board
28 shall hold office for a term of three years from the date of appointment or until

1 their successors shall have been qualified and appointed. They may be
2 reappointed in their positions for another term of three years immediately after
3 the expiry of their term: *Provided*, That the holding of such position shall not
4 be more than two terms nor more than six years, whichever is longer:
5 *Provided, further*, That the first Board under this Act shall hold these terms of
6 office: the chairman for three years, the first member for two years and the
7 second member for one year: *Provided, furthermore*, That any appointee to a
8 vacancy with an expired period shall only serve such period. The chairman
9 and the members shall duly take their oath of office.

10 SEC. 8. *Qualifications of Board Members.* – Each member of the
11 Board shall, at the time of his/her appointment, possess the following
12 qualifications:

13 (a) A citizen and resident of the Philippines;

14 (b) Of good moral character and of sound mind;

15 (c) A holder of a Master's Degree in Environmental Planning or its
16 equivalent, and preferably with a Bachelor's Degree in Environmental
17 Planning;

18 (d) A registered environmental planner with a valid certificate of
19 registration and a professional identification card and with at least seven years
20 of practice in environmental planning prior to his/her appointment;

21 (e) Not a member of the faculty of any school, college or university
22 where a regular review course in environmental planning is offered nor a
23 member of a staff of reviewers in a review school or center and not have any
24 direct or indirect pecuniary interest in such an institution;

25 (f) A member in good standing of the APO;

26 (g) Not an officer or a trustee of the APO; and

27 (h) Not convicted by a court of competent jurisdiction of an offense
28 involving moral turpitude.

1 SEC. 9. *Powers, Functions, Duties and Responsibilities of the Board.* –

2 The Board shall have the following specific powers, functions, duties and
3 responsibilities:

4 (a) Prescribe and adopt the rules and regulations necessary to carry out
5 the provisions of this Act;

6 (b) Supervise the registration, licensure and practice of environmental
7 planning in the Philippines;

8 (c) Administer oaths in connection with the administration of this Act;

9 (d) Issue, suspend, revoke or reinstate certificates of registration for the
10 practice of environmental planning;

11 (e) Adopt an official seal of the Board;

12 (f) Determine and prepare the contents of the licensure examination,
13 score and rate the examination papers and submit the results thereof to the
14 Commission;

15 (g) Adopt and promulgate a Code of Ethics and a Code of Technical
16 Standards issued by the duly APO;

17 (h) Ensure, in coordination with the Commission on Higher Education
18 (CHED) or other authorized government offices, that all higher educational
19 instruction and offering of environmental planning comply with the policies,
20 standards and requirements of the course prescribed by the CHED or other
21 authorized government offices in the areas of curriculum, faculty, library and
22 facilities;

23 (i) Monitor the conditions affecting the practice of environmental
24 planning profession and adopt measures necessary for the enhancement of the
25 profession;

26 (j) Investigate violations of this Act and its rules and regulations as
27 may come to its knowledge and, for this purpose, issue *subpoena* and
28 *subpoena duces tecum* to secure the appearance of witnesses and exhibition of

1 the documents and other evidences necessary in connection with the
2 performance of its functions;

3 (k) Delegate the conduct of hearing or investigation of administrative
4 cases filed before the Board;

5 (l) Promulgate decisions on such administrative cases;

6 (m) Discharge such other powers and duties as may affect professional,
7 ethical and technological standards of the environment planning profession in
8 the Philippines; and

9 (n) Perform such other functions and responsibilities in accordance
10 with the provisions of Republic Act No. 8981, otherwise known as the "PRC
11 Modernization Act of 2000".

12 The policies, resolutions and rules and regulations, issued and
13 promulgated by the Board shall be subject to review and approval by the
14 Commission; however, the Board's decisions, resolutions or orders which are
15 not interlocutory, rendered in an administrative case, shall be subject to review
16 only if on appeal.

17 SEC. 10. *Compensation of the Board.* – The chairman and members of
18 the Board shall receive compensation and allowances comparable to the
19 compensation and allowances received by the chairman and members of
20 existing professional regulatory boards under the Commission, as provided for
21 by the General Appropriations Act.

22 SEC. 11. *Administrative Supervision of the Board, Custodian of its*
23 *Records, Secretariat and Support Services.* – The Board shall be under the
24 administrative supervision of the Commission. All records of the Board,
25 including applications for examinations and administrative and other
26 investigative cases conducted by the Board shall be under the custody of the
27 Commission. The Commission shall designate the secretary of the Board and

1 shall provide the secretariat and other support services to implement the
2 provisions of this Act.

3 SEC. 12. *Grounds for Suspension or Removal of Board*
4 *Members/Chairman.* – The President of the Philippines, upon the
5 recommendation of the Commission, after due process and administrative
6 investigation conducted by the Commission, may remove or suspend a
7 chairman or member of the Board on any of the following grounds:

8 (a) Gross neglect, incompetence or dishonesty in the discharge of
9 his/her duty;

10 (b) Violation of any of the causes/grounds and the prohibited acts
11 provided in this Act and the offenses in the Revised Penal Code, Republic Act
12 No. 3019, otherwise known as the “Anti-Graft and Corruption Practices Act”,
13 and other laws;

14 (c) Manipulation or rigging of the results of the licensure examination
15 for the practice of environmental planning, disclosure of secret and
16 confidential information on the examination questions prior to the conduct
17 thereof, or tampering of grades.

18 The Commission, in the conduct of the investigation, shall be guided by
19 Section 7(s) of Republic Act No. 8981, the rules on administrative
20 investigation, and the applicable provisions of the new Rules of Court.

21 SEC. 13. *Annual Report.* – The Board shall, at the end of each calendar
22 year, submit to the Commission a detailed report of its activities and
23 proceedings during the year embodying also such recommendations as it may
24 deem proper to promote the policies and objectives of this Act.

ARTICLE III

EXAMINATION AND REGISTRATION

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3 SEC. 14. *Registration Required.* – Upon the effectivity of this Act, no
4 person shall practice or offer to practice environmental planning in the
5 Philippines without having obtained from the Board and the Commission a
6 certificate of registration and a professional identification card or a
7 temporary/special permit.

8 SEC. 15. *Examination Required.* – Unless provided otherwise under
9 this Act, all applicants for registration for the practice of environmental
10 planning shall be required to pass the professional licensure examination as
11 herein provided, subject to the payment of fees prescribed by the Commission.
12 Examinations for the practice of environmental planning in the Philippines
13 shall be given by the Board at least once every year in such places and dates as
14 the Commission may designate in accordance with the provisions of Republic
15 Act No. 8981.

16 SEC. 16. *Rating in the Licensure Examination.* – To pass the licensure
17 examination, each person must obtain a weighted average of no less than
18 seventy *per centum* (70%) and a rating of no less than fifty *per centum* (50%)
19 in any examination subject.

20 SEC. 17. *Subjects of Examination.* – The licensure examination for
21 environmental planner shall include, but shall not be limited to, the following:

22 (a) History, concepts, theories and principles of environmental
23 planning;

24 (b) Environmental planning process, methods/techniques and
25 strategies; and

26 (c) Environmental plan implementation, legal aspects and
27 administration.

28 These subject areas shall include topics and subtopics in accordance

1 with the syllabi or tables of specifications of subjects for licensure
2 examinations by the Board in consultation with the academe and the APO. The
3 syllabi may be revised as the need arises to conform to changes and new
4 developments brought about by trends in the profession.

5 SEC. 18. *Qualifications for Examination.* – Any person applying to
6 take the licensure examination as herein provided shall establish to the
7 satisfaction of the Board that he/she has the following qualifications:

8 (a) A citizen of the Philippines or a foreign citizen whose country or
9 State has reciprocity agreement in the practice of the profession;

10 (b) A holder of any of the following degrees from the duly recognized
11 schools, college or universities accredited by the CHED:

12 (1) A Master's Degree in Environmental Planning, Urban/City and
13 Regional Planning, or Town and Country Planning or its equivalent; or

14 (2) A Post-Graduate Diploma in Environmental Planning, City and
15 Regional Planning or its equivalent, and with at least one year of on-the-job
16 training as required herein; or

17 (3) A Bachelor's Degree in Environmental Planning, City Planning or
18 Urban and Regional Planning, or Town and Country Planning, or its
19 equivalent, and with two years of on-the-job training as required herein; or

20 (4) A doctorate or master's degree in either architecture, engineering,
21 ecology, economics, geography, public administration, business administration,
22 sociology, social science, law, environmental science, environmental
23 management, development management, natural resources planning and
24 development and related disciplines acceptable to the Board, and with three
25 years of on-the-job training as required herein: *Provided*, That a person falling
26 under this paragraph may be allowed to take the licensure examination only
27 within the next ten (10) years after the effectivity of this Act; or

1 (5) A bachelor's degree in architecture, engineering, economics, public
2 administration, law, social work and community development or sociology and
3 other related disciplines acceptable to the Board and with five years of on-the-
4 job training as required herein: *Provided*, That a person falling under this
5 paragraph may be allowed to take the licensure examination only within the
6 next ten (10) years after the effectivity of this Act; or

7 (6) Incumbent holders of planning positions in the national, regional or
8 local government offices or agencies including government-owned and/or
9 -controlled corporations who have been engaged in development planning
10 functions acceptable to the Board: *Provided*, That they are holders of
11 professional civil service eligibility and they must have undergone at least
12 eighty (80) hours of in-service training or distance learning in developmental
13 planning from a government agency, school or institution accredited by proper
14 authorities: *Provided, further*, That a person falling under this paragraph may
15 be allowed to take the licensure examination only within the next five years
16 after the effectivity of this Act;

17 (c) Of good moral character; and

18 (d) Not convicted of an offense involving moral turpitude by a court of
19 competent jurisdiction: *Provided*, That a person falling under this paragraph
20 may be allowed to take the licensure examination only within the next ten (10)
21 years after the effectivity of this Act.

22 The on-the-job training required in this section must be undertaken
23 under the supervision of a registered environmental planner or the applicant's
24 immediate supervisor in an agency or organization acceptable to the Board,
25 which is engaged or involved in environmental planning functions or
26 programs.

27 SEC. 19. *Issuance of Certificate of Registration and Professional*
28 *Identification Card.* – A certificate of registration shall be issued to those who

1 are registered with or without licensure examination subject to the payment of
2 fees prescribed by the Commission. It shall bear the signatures of the
3 Chairperson of the Commission and of the Chairman and members of the
4 Board, stamped with the official seal of the Commission and of the Board,
5 certifying that the person named therein is entitled to the practice of the
6 profession with all the privileges appurtenant thereto. Until withdrawn,
7 revoked or suspended in accordance with this Act, it shall remain in full force
8 and effect.

9 A professional identification card bearing the registration number and
10 date, its validity and expiry duly signed by the Chairperson of the Commission
11 shall likewise be issued to every registrant who has paid the prescribed fees.

12 *SEC. 20. Refusal to Register.* – The Board shall not register any
13 successful applicant for registration with or without licensure examination who
14 has been:

15 (a) Convicted of an offense involving moral turpitude by a court of
16 competent jurisdiction;

17 (b) Found guilty of immoral or dishonorable conduct by the Board;

18 (c) Summarily adjudged guilty for violation of the General Instructions
19 to Examinees by the Board; or

20 (d) Declared of unsound mind by the court of competent jurisdiction.

21 In refusing such registration, the Board shall give the applicant a written
22 statement setting forth the reasons therefore and shall file a copy thereof in its
23 records.

24 *SEC. 21. Revocation or Suspension of the Certificate of Registration*
25 *and Cancellation of Temporary/Special Permit.* – The Board shall have the
26 power, upon notice and hearing, to revoke or suspend the certificate of
27 registration of a registered and licensed environmental planner or to cancel a
28 temporary/special permit granted to a foreign environmental planner for

1 violation of any grounds or cases in Section 20 of this Act, except (c) thereof
2 and on any of the following grounds:

3 (a) Violation of a provision of this Act, its implementing rules and
4 regulations, Code of Ethics, Code of Technical Standards for the Practice of
5 Environmental Planner, policy and measure of the Board and/or the
6 Commission;

7 (b) Perpetration or use of fraud in obtaining his/her certificate of
8 registration, professional identification card or temporary/special permit;

9 (c) Gross incompetence, negligence or ignorance resulting to death,
10 injury or damage;

11 (d) Refusal to join or to remain a member in good standing of the APO;

12 (e) Neglect or failure to pay the annual registration fees for five
13 consecutive years;

14 (f) Non-renewal of the professional identification card after lapse of
15 five consecutive years;

16 (g) Aiding or abetting the illegal practice of a nonregistered and
17 licensed environmental planner by allowing him/her to use his/her certificate of
18 registration and/or professional identification card or his/her temporary/special
19 permit;

20 (h) Illegally practicing the profession during his/her suspension from
21 the practice thereof; and

22 (i) Addicted to a drug or alcohol abuse impairing his/her ability to
23 practice his/her profession or declared with unsound mind by a court of a
24 competent jurisdiction.

25 The Board shall periodically evaluate the aforementioned grounds and
26 revise or exclude or add new ones as the need arises, subject to approval by the
27 Commission.

1 holders of valid professional identification cards issued by the Commission,
2 and who are in good standing with the APO of environmental planners as of
3 the time of the effectivity of this Act shall be deemed automatically registered
4 under this Act.

5 Certificates of registration and valid professional identification cards
6 held by such persons in good standing shall have the same force and effect as
7 though issued after the passage of this Act.

8 SEC. 24. *Consulting Firms, Partnerships, Corporations, Associations*
9 *and Foundations Engaged in Environmental Planning Practice.* – A
10 consulting firm, partnership, corporation, association or foundation may
11 engage in the practice of environmental planning in the Philippines: *Provided,*
12 That it complies with the following requirements:

13 (a) The consulting firm, partnership, corporation or association applies
14 for and is issued a Certificate of Accreditation by the Board and the
15 Commission to engage in the practice of environmental planning in the
16 Philippines: *Provided,* That all the partners of the partnership are registered
17 and licensed environmental planners: *Provided, further,* That the majority of
18 the members of the Board of Directors or members thereof shall be registered
19 environmental planners; and

20 (b) The practice of the consulting firm, partnership, corporation or
21 association in environmental planning shall be carried out by duly registered
22 environmental planners.

23 SEC. 25. *Use of Seal.* – All registered environmental planners shall
24 obtain a seal of such design as the Board shall authorize and direct: *Provided,*
25 That the serial number of the certificate issued by the Board shall be included
26 in the design of the seal. Plans, designs and programs prepared by or under
27 direct supervision of a registered environmental planner shall be stamped with
28 the said seal during the life of the registrant's certificate, and it shall be

1 unlawful for any one to stamp or seal any document with the said seal after the
2 certificate of the registrant named thereon shall have expired or shall have been
3 revoked, unless said certificate shall have been renewed or reissued.

4 SEC. 26. *Continuing Professional Education.* – The Board, in
5 consultation with the academe and the APO, shall prescribe guidelines in the
6 implementation of its Continuing Professional Education (CPE) programs,
7 subject to the approval of the Commission.

8 SEC. 27. *Foreign Reciprocity.* – A foreign citizen may be allowed to
9 take the licensure examination and may be given a certificate of registration
10 and professional identification card if he/she can prove that by specific
11 provisions of law the country or State of which he/she is a citizen allows a
12 Filipino environmental planner to practice his/her profession in such country.

13 SEC. 28. *Temporary/Special Permits for Foreign Environmental*
14 *Planners.* – The practice of foreign environmental planners in the Philippines
15 shall be governed by the provisions of Republic Act No. 8981: *Provided,* That
16 any foreign national who has gained entry in the Philippines to perform
17 professional services as an environmental planner or render such services or
18 prepare or produce such documents as are within the scope of practice of
19 environmental planners as set forth in this Act, such as, but not limited to,
20 being a consultant in foreign-funded or assisted projects of the government or
21 employed or engaged by Filipino or foreign contractors or private firms,
22 whether or not the nomenclature of his/her profession is specifically called in
23 his/her country of nationality as environmental planning, but who does not
24 meet or wish to comply with the requirements for admission to take the
25 licensure examinations shall, before assuming the duties, functions and
26 responsibilities as environmental planner or consultant, secure a
27 temporary/special permit from the Board, subject to the approval of the
28 Commission and the Department of Labor and Employment (DOLE), to

1 practice his/her profession in connection with the project to which he/she was
2 commissioned: *Provided*, That the following conditions are satisfied:

3 (a) That he/she is a citizen or subject of a country which specifically
4 permits Filipino professionals to practice their profession within the territorial
5 limits on the same basis as the subjects or citizens of such foreign country or
6 State;

7 (b) That he/she is legally qualified to practice environmental planning
8 or urban and regional planning, town and country planning or human
9 settlements planning in his/her own country, and that his/her expertise is
10 necessary and advantageous to the Philippines, particularly in the aspects of
11 technology transfer and specialization;

12 (c) That he/she shall be required to work with a Filipino counterpart
13 and professional fees and services, and expenses of documentation pertaining
14 to the project shall be proportionately shared by both foreign and Filipino
15 environmental planners, including liabilities and taxes due to the Philippine
16 government, if any, relative to his/her participation therein or professional
17 services rendered to the project in accordance with established rules and
18 regulations; and

19 (d) That he/she shall obtain an employment permit from the DOLE:
20 *Provided*, That the employment permit may be issued to a nonresident alien or
21 to the applicant-employer after a determination of the non-availability of a
22 person in the Philippines who is competent, able and willing at the time of
23 application to perform the services for which the alien is desired: *Provided*,
24 *further*, That the applicant's country of nationality observes reciprocal
25 conditions for Filipino nationals.

26 SEC. 29. *Indication of Numbers: Certificate of Registration and*
27 *Professional Tax Receipt.* -- The environmental planner shall be required to

1 indicate his/her Certification of Registration (CR) and Professional Tax
2 Receipt (PTR) numbers, its date and place of issuance and its expiry.

3 SEC. 30. *Unlawful Practices Under this Act.* – It shall be unlawful for
4 any person or group of persons to:

5 (a) Offer or render planning services as defined in Section 4 or within
6 the scope of Section 5 of this Act unless he/she is a registered environmental
7 planner;

8 (b) Cause, induce, encourage or coerce the preparation of or implement
9 any plan that is not signed by a registered environmental planner when such
10 plan is so required by this Act to be signed by a registered environmental
11 planner;

12 (c) Amend, revise, duplicate or make copies of plans, designs,
13 programs and other documents prepared, signed and sealed by an
14 environmental planner without his/her consent;

15 (d) Sign his/her name, affix his/her seal or use any other method of
16 signature on plans, specifications or other documents prepared by another
17 environmental planner; or

18 (e) Sign for any branch of the work or any function in environmental
19 planning practice not actually performed by him/her except for the
20 environmental planner-in-charge who shall be fully responsible for all plans,
21 specifications and other documents issued under his/her seal or authorized
22 signature.

23 SEC. 31. *Integration of the Profession.* – All environmental planners
24 shall be integrated into one national organization that is duly registered with
25 the Securities and Exchange Commission (SEC). The Board, subject to
26 approval by the Commission, shall accredit the said organization as the one
27 and only integrated and accredited national organization of environmental
28 planners. All environmental planners whose names appear in the Registry

1 Book of Environmental Planners shall *ipso facto* or automatically become
2 members thereof and shall receive thereto all the benefits and privileges upon
3 payments of APO membership fees and dues. Membership in an affiliate
4 organization of environmental planners shall not be barred.

5 ARTICLE V

6 ENFORCEMENT OF THE ACT AND PENAL PROVISIONS

7 SEC. 32. *Enforcement by Government Officials and Officers of the*
8 *Law.* – It shall be the duty of all government officials and duly constituted law
9 officers of the national, provincial, city or municipal government to assist the
10 Board and the Commission in enforcing the provisions of this Act and to cause
11 the prosecution of any person violating the same.

12 SEC. 33. *Positions in Government with Environmental Planning*
13 *Functions.* – After the lapse of five years from the effectivity of this Act, only
14 registered environmental planners shall be appointed to the position of heads
15 and assistant heads of groups, departments, divisions in government offices,
16 agencies, bureaus or instrumentalities thereof, including government-owned
17 and/or -controlled corporations, provinces, cities and municipalities, and such
18 other positions which require the knowledge, skills and competence of
19 registered environmental planners. Appointments made thereafter in violation
20 hereof shall be considered null and void.

21 SEC. 34. *Civil Liability of Environmental Planners.* – The
22 environmental planner in-charge of the preparation of an environmental plan,
23 as well as other members of the planning team involved in the preparation
24 thereof, may be held civilly liable in cases of serious or wholesale damage,
25 failure or destruction of any project subject of or covered by an environmental
26 plan that resulted in significant adverse impact on affected stakeholders or the
27 concerned ecosystem, within a period of ten (10) years from the time of the
28 preparation of such plan; in cases where it is determined by a court of

1 competent jurisdiction that such damage, failure or destruction was foreseeable
2 and may be directly attributed to gross negligence on the part of such planner-
3 in-charge and/or planning team member or members, or to highly deficient or
4 inappropriate environmental planning methods, strategies, tools or techniques
5 at variance with generally accepted environmental planning principles,
6 methods and standards.

7 The government or any affected stakeholder may bring an action to
8 enforce such liability within five years from the time the damage or destruction
9 occurs.

10 *SEC. 35. Penal Provisions.* – Any person committing any of the
11 unlawful practices under Section 30 hereof and/or any of the following acts
12 shall, upon conviction, be sentenced by imprisonment of not less than six
13 months nor more than five years, or a fine of not less than One hundred
14 thousand pesos (Php100,000.00) nor more than Five hundred thousand pesos
15 (Php500,000.00) or both, at the discretion of the court:

16 (a) Engaging in the practice of environmental planning in the
17 Philippines without having been registered or without having conformed to the
18 provisions of this Act;

19 (b) Presenting or attempting to use as his/her own the certificate of
20 registration and/or professional identification card of another registered
21 environmental planner or a holder of a temporary/special permit;

22 (c) Giving any false or forged evidence of any kind to the Board or
23 impersonating any registered environmental planner or a holder of a
24 temporary/special permit;

25 (d) Using a revoked or suspended certificate of registration or an
26 expired or unexpired professional identification card or temporary/special
27 permit;

ARTICLE VII

FINAL PROVISIONS

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3 SEC. 37. *Appropriations.* – The Chairperson of the Professional
4 Regulation Commission shall immediately include in its programs the
5 implementation of this Act, the funding of which shall be included in the
6 annual General Appropriations Act and thereafter.

7 SEC. 38. *Act Not Affecting Other Professions.* – This Act shall not
8 affect or prevent the practice of any other legally recognized profession.

9 SEC. 39. *Implementing Rules and Regulations.* – The Board, subject
10 to the approval of the Commission, shall prescribe, promulgate and issue the
11 implementing rules and regulations of this Act after consultation with the APO,
12 other agencies and concerned private organizations within ninety (90) days
13 from the effectivity of this Act.

14 SEC. 40. *Separability Clause.* – If any part or section of this Act shall
15 be declared unconstitutional, such declaration shall not invalidate the other
16 provisions hereof.

17 SEC. 41. *Repealing Clause.* – Presidential Decree No. 1308 is hereby
18 repealed. All other laws, orders, rules and regulations or resolutions or parts
19 thereof inconsistent with the provisions of this Act are hereby repealed or
20 amended accordingly.

21 SEC. 42. *Effectivity.* – This Act shall take effect after fifteen (15) days
22 following its publication in the *Official Gazette* or in any major newspaper of
23 general circulation in the Philippines.

Approved,

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