

Republic Act No. 8495

An Act Regulating the Practice of Mechanical Engineering in the Philippines

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

Article I **TITLE, STATEMENT OF POLICY, AND DEFINITION OF TERMS**

Section 1. *Title.*-This Act shall be known as the –Philippine Mechanical Engineering Act of 1998.Ó

Section 2. *Statement of Policy.*- The State recognizes the importance of mechanical engineers in nation- building and development. Their talents through sustainable human development shall be promoted. Thus, the State shall develop and nurture competent, virtuous, productive and well-rounded mechanical engineers whose standard of professional practice and service shall be excellent, qualitative, world-class and globally competitive through regulatory measures, programs and activities.

Section 3. *Definition of Terms.*- As used in this Act, the following terms shall mean as follows:

a) *Practice of 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 when he performs the following:

(1) Consultation, valuation, investigation and management services requiring mechanical engineering knowledge;

(2) Engineering design, preparation of plans, specifications and projects studies or estimates for mechanical equipment, machinery, or processes of any mechanical works, projects or plants;

(3) Management or supervision of the erection, installation, alteration, testing and commissioning of mechanical equipment, machinery, or processes in mechanical works, projects or plants;

(4) Management, supervision, operation, tending or maintenance of any mechanical equipment, machinery or processes in mechanical work, projects or plants;

5) Management or supervision of the manufacture, sale, supply or distribution of mechanical equipment parts or components;

(6) Teaching of mechanical engineering professional subjects in government recognized and accredited engineering schools; and

(7) Employment in government as a professional mechanical engineer, registered mechanical engineer, or certified plant mechanic if the nature and character of his work is in line with his profession requiring professional knowledge of the science of mechanical engineering.

b) *Mechanical equipment or machinery* - includes all prime movers such as steam engines and turbines, internal combustion engines and gas engines and turbines; steam generators such as boiler; furnaces; heat exchanger such as cooling towers, kilns and dryers coolers and heaters; materials handling equipment, such as pumps, cranes, conveyors, hoists, elevators, escalators, mechanized dumbwaiters, moving ramps and walkways: heating, air-conditioning, ventilating, and refrigeration equipment and machinery, including compressors and centrifugal fans, mechanical pollution abatement and environmental control system; piping system with a working pressure of not less than 70 kpa., fired and unfired pressure vessels, printing machine; mechanical working machines for metallic and non-metallic materials and other mechanical equipment and machinery whether installed on land, underground, or on board watercraft.

c) *Mechanical processes, works, projects or plants* shall include steam plants, geothermal plants, dander-thermal plants, nuclear plants, ocean thermal energy conservation (OTEC) plants, internal combustion plants, hydraulic plants, pumping plants, compressed gas plants, all kinds of mills, shops, factories, shipyards dry docks, heating, air conditioning, ventilating and refrigeration plants containing any mechanical equipment, machinery or process deriving power from steam, fossil fuels, wind, air, gas, water, solar heat, nuclear energy, ocean waves and tides, or other energy sources.

d) *Capacity of process works, projects or plant-rated capacity* in kilowatt of mechanical works, projects or plants for the purpose of this Act shall be the total kilowatt ratings of all engines, motors, boilers, turbines, or other prime movers installed for use in such works, projects or plants, whether in operation or not, and without regard to the number of capacities of the mechanical equipment, machinery or processes receiving power from or intended to be driven by such prime movers.

Article II BOARD OF MECHANICAL ENGINEERING

Section 4. *Creation and Composition of the Board of Mechanical Engineering.*- There is hereby created a Board of Mechanical 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) recommend for each Position, chosen, ranked in the order of preference and submitted by the Professional Regulation Commission, hereinafter referred to as the Commission, from a list of five nominee submitted by the duly accredited association of mechanical engineers in the Philippines. The Board shall be organized not later than six (6) months from the affectivity of this Act.

Section 5. *Qualifications of Members of the Board.* – A member of the Board shall, at the time of his appointment, possess the following qualifications:

- (a) Natural born citizen and resident of the Philippines;
- (b) Must be at least thirty-five (35) years of age;
- (c) Holder of the degree of Bachelor of Science in Mechanical 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 Professional Mechanical Engineer with a valid professional license and an active practitioner as such, for not less than ten (10) years prior to his appointment;
- (e) Must not, for a period of three (3) consecutive years prior to appointment, be a member of the faculty of any school, academy, institute, college or university where a regular course in mechanical engineering is being taught, nor have 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 appointment, be connected with a review center or with 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.

Section 6. *Term of Office.*- A member of the Board shall hold office for a term of three (3) years from the date of his appointment or until his successor shall have been qualified and duly appointed, unless, however, that such incumbent member has been re appointed for another three (3) years term. No member of the Board shall serve for more than two (2) regular terms. Any vacancy occurring within the term of a member due to resignation, conviction of any kind, disability or death, shall be filled by appointment by the President of the Philippines; and such member appointed shall serve for the un expired portion of the term vacated without prejudice to serve for a maximum of two (2) full terms. If the appointee comes from the incumbent Board, he shall serve the remaining vacated term in addition to the previous years he had already served and shall be qualified for reappointment in his new position: *Provided*, his aggregate number of years of service shall not exceed two (2) regular full terms. Each member of the Board shall take his oath of office prior to the official performance of his duties.

Section 7. *Compensation and Allowances of the Board Members.*- 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 in the Commission and as may be provided for in the General Appropriations Act.

Section 8. *Supervision of the Board, Custodian of its Records, Secretariat and Support Services.*- The Board shall be under the general supervision of the Commission. All records of the Board, including applications for examination, examination papers and results, minutes of deliberation, administrative cases, and other investigative cases involving the profession shall be kept by the Commission. The Commission shall designate the secretary of the Board and shall provide the Secretariat and other support services to implement the provisions of this Act.

Section 9. *Power and Duties of the Board.*- The Board shall exercise the following specific powers, functions, duties and responsibilities:

- (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 mechanical engineers in the Philippines;

(c) To administer oaths in connection with the successful examinees entering the practice of Mechanical Engineering;

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

(e) To issue, suspend and/or revoke, after due process certificates of registration and issue, cancel and suspend professional license or cancel special permits for the practice of mechanical engineering, for causes provided by law;

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

(g) To look into the conditions affecting the practice of the mechanical 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 the mechanical engineering profession.

(i) To hear and try administrative cases involving violations of this Act, its Implementing Rules and Regulations, the Code of Ethics for Mechanical 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 accredited association of mechanical engineers;

(k) Prepare, adopt, issue or amend the syllabi of the subjects for examinations;

(l) Approve, issue, limit or revoke temporary license to practice mechanical engineering; and (m) Discharge such other duties and functions as may be deemed necessary for the enhancement of the mechanical engineering profession and the upgrading, development and growth of mechanical engineering education in the Philippines.

Section 10. *Annual Report*.- The Board shall, at the close of each calendar year, submit an annual report to the President of the Philippines through the Professional Regulation 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 mechanical engineering in the Philippines.

Section 11. *Removal of Board Member*.- The President upon recommendation of the Commission may remove any member of the Board on the following grounds: neglect of duty or incompetence, violation or tolerance of the violation of this Act or the Code of Ethics for Mechanical Engineering, final judgment of crimes involving moral turpitude, after having given the member an opportunity to be heard and/or defend himself in a proper administrative investigation.

Article III EXAMINATION, REGISTRATION AND LICENSE

Section 12. *Examination Required*.- All applicants for registration for the practice of mechanical engineering shall be required to undergo and pass a written technical examination as provided for in this Act.

Section 13. *Categories*.- Certificates of registration for the practice of mechanical engineering shall be of three (3) categories and in order of rank as follows:

- (a) Professional Mechanical Engineer;
- b) Mechanical Engineer; and
- (c) Certified Plant Mechanic.

Section 14. *Qualifications of Applicants for Professional Mechanical Engineer*.- Any applicant to the professional mechanical engineering examination must, at the time of filing of his application, establish to the satisfaction of the Board that:

- (a) He is a citizen of the Philippines;
- (b) He must not have been convicted by a court of law of a crime involving moral turpitude;
- (c) He has a valid certificate of registration and he is a registered mechanical engineer and a holder of a valid professional license;
- (d) He has graduated from an engineering school or college of recognized standing, after completing an approved course in mechanical engineering;
- (e) He has specific record of a total of four (4) years or more of active mechanical engineering practice, reckoned

from the time he registered a mechanical engineering practice; and

(f) He is competent to practice, as attested to by at least two (2) professional mechanical engineers.

Section 15. *Qualifications of Applicants for Mechanical Engineer* - Any person applying for examination and for a Certificate of Registration as Mechanical Engineer shall, prior to admission to the examinations, establish to the satisfaction of the Board that:

(a) He is a citizen of the Philippines;

(b) He must not have been convicted by a court of law of a crime involving moral turpitude;

(c) He holds the degree of Bachelor of Science in Mechanical Engineering from a university, school, College, academy, or institute duly constituted and recognized as such by the government.

Section 16. *Qualifications of Applicants for Certified Plant Mechanic*.- Any person applying for examination for certificate of registration as Certified Plant Mechanic shall establish to the satisfaction of the Board that:

(a) He must not have been convicted by a court of law of a crime involving moral turpitude;

(b) He has graduated from a vocational or trade school duly recognized by the government after completing an approved course of not less than two (2) years in stationary or power plant engineering or any mechanical plant operation; and

(c) He has specific record of an additional one (1) year or more of active practice in mechanical plant operation of such character as indicated in an affidavit of a registered professional mechanical engineer and, likewise establish to the satisfaction of the Board, that the applicant is competent to undertake the operation, tending and maintenance of mechanical works, projects or plant of not less than one hundred (100) kilowatts.

Section 17. *Scope of Examination*.- The scope of examination and the methods of procedure shall be prescribed by the Board with special reference to the applicants – ability to perform the type of engineering work pertaining to the particular category he is to be registered in.

(a) *Professional Mechanical Engineer* - The granting of professional mechanical engineer Certificate of Registration shall be testimonial in nature which shall include the submission of an enumeration of the applicants - experience including the presentation of an engineering report/technical paper pertinent to his line of experience attested to by two (2) or more profession mechanical engineers in an affidavit for this purpose;

(b) *Mechanical Engineer* - The applicant shall pass a written examination on different subjects or group of subjects prescribed by the Board, and within the syllabi prepared by the Board with emphasis on power plant and industrial plant engineering, mathematics, engineering economics, economic analysis, laws and ethics and machine design. The subjects in which the applicant for Mechanical Engineers shall be examined are:

1. Machine Design, Materials, and Shop Practice
2. Industrial and Power Plant Engineering
3. Mathematics Engineering Economics and basic engineering sciences

(c) *Certified Plant Mechanic* - The examination for Certified Plant Mechanic may be written or oral on subject matters based on the following submitted statement of experience:

1. Elements of Power Plant Machinery

2. Elements of Industrial Plant Machinery; and

3. Shop Machinery and Practice. Subject to the approval of the Commission, the Board may amend or revise the subjects, their syllabi, passing average, and the system and procedure in the licensure examinations for the practice of mechanical engineering and the corresponding weight pursuant to implementing rules and regulations issued for this purpose. 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.

Section 18. *Ratings*.-To pass the examination, a candidate for a professional mechanical engineer, a mechanical engineer, and certified plant mechanic must obtain an average of seventy percent (70%) on all subjects, with no rating below fifty percent (50%) in any of the subjects.

Section 19. *Report of Ratings*.- The Board shall submit to the Commission the ratings obtained by each candidate within fifteen (15) days after the examinations, unless extended for just cause.

Section 20. *Re-examination*.- 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 year.

Section 21. *Oath*.- All successful candidates in the examination shall be required to take an oath of profession before the Board or any government official authorized to administer oaths, prior to entering upon the practice of the mechanical engineering.

Section 22. *Issuance of Certificates of Registration and Professional License.*- Upon payment of the registration fee as established by the Commission, the Board shall issue a certificate of registration to any applicant who has met all the requirements specified in this Act for the particular category he is registering in.

All certificates of registration shall indicate the full name of the registrants, signed by all the members of the Board and the Commission and affixed with the official seal of the Commission. The issuance of a certificate of registration by the Board to a registrant is evidence that the person named therein is entitled to all the privileges of a registered and licensed professional mechanical engineer, mechanical engineer or certified plant mechanic, as the case may be, for as long as said certificate remains valid.

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, provided that professional fees have been paid. No person shall practice mechanical engineering in this country unless such person shall have secured a license to practice Mechanical 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.

Subject to the approval of the Commission, certificates of specialty shall be issued by the Board, subject to the approval of the Commission, to Professional Mechanical Engineers who have been screened and recommended by accredited mechanical engineers association. These are for specific fields in which the applicants have specialized knowledge, training and experience and have documented their competence and expertise. The Board shall subject to the approval of the Commission, and after consultation with said association concerned, prescribe and issue the necessary guidelines for the issuance of these certificates.

Section 23. *Integration and Accreditation of Mechanical Engineers.*- An integrated organization of mechanical engineers shall be created and accredited by the Board of Mechanical Engineering and the Professional Regulation Commission. All persons whose names now appear in the roll of professional mechanical engineers, mechanical engineers, and certified plant mechanics under the custody of the Board and the Commission, or those who may hereafter be included therein upon registration and payment of the required fees shall automatically become members of the integrated and accredited organization of mechanical engineers.

The integration of the mechanical engineering professional shall not be a bar to the formation of voluntary organization of mechanical engineers which may coexist with the integrated and accredited organization of mechanical engineers and other affiliated organization of mechanical engineers. The Board, subject to the approval by the Commission and after consultation with the existing accredited organization of mechanical engineers and other affiliated organization of mechanical engineers and, if possible, with the substantial number of the mechanical engineers who are non organization members, shall provide the guidelines and mechanisms for the establishment and creation, continued supervision of the integrated and accredited organization of mechanical engineers. The registered and licensed engineers and certified plant mechanics shall receive the benefits and privileges appurtenant to their membership in duly integrated and accredited mechanical engineering association only upon payment of the required fees and dues.

Section 24. *Seal of a Professional Mechanical Engineer.* - A professional mechanical engineer shall, upon registration, obtain a seal of such design prescribed by the Board, bearing the registrants- name, the certificate number and the legend -Professional Mechanical Engineer.- Designs, plants, specifications, project feasibility studies, appraisals, recommendations, technical reports, proposals, and other professional documents involving mechanical equipment, works, projects or plants shall be stamped on every sheet with said seal of the registrant when filed with government authorities or when submitted or use professionally: *Provided*, that it shall be submitted or used professionally: *Provided*, that it shall be unlawful for any one to stamp or seal any document with the said seal after the certificate shall have been revoked or cancelled.

Section 25. *Non-issuance of Certificate for Certain Grounds.*- The Board shall not issue a certificate of registration to any person convicted by court of competent jurisdiction of any crime involving moral turpitude, or immoral or dishonorable conduct or any person of unsound mind declared by a court of competent jurisdiction, furnishing the party concerned a written statement containing the reasons for such action, which statement shall be incorporated in the records of the Board.

Section 26. *Revocation and Suspension of Certificate.*- The Board shall have the power, upon proper notice and hearing, to suspend or revoke any certificate of registration of any registrant for any cause specified in the preceding section, or for the use in whatever way of any fraud or deceit in obtaining a certificate of registration, or for gross negligence or incompetence or for unprofessional or dishonorable conduct and for violation of the code of ethics for mechanical engineers and certified plant mechanics: *Provided*, That the action of the Board shall be subject to appeal to the Commission within fifteen (15) days from notice, whose decision on the matter shall be final.

Section 27. *Grounds for Suspension and Revocation of Licenses.*- The Board shall have the power, upon due notice and hearing, to revoke or suspend the license of mechanical engineers, 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 abatement of the illegal practice of mechanical engineering, violation of the provisions of this Act, its implementing Rules and Regulations and/or violations of Policies of the Board including the Code of Ethics for Mechanical Engineering: *Provide, however*, That such action of the Board shall be subject to appeal without prejudice to the right of the aggrieved party to apply with the proper Regional Trial Court for appropriate relief.

Section 28. *Reinstatement and Replacement of the Certificates.*- The Board, upon application and for reasons of equity and justice, may reinstate the validity of a revoked certificate of registration and professional license, upon payment of the required fees, at least two (2) years after revocation. A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules of the Board, and upon payment of the required fee.

Section 29. *Renewal of License.*- The professional license shall serve as evidence that the licensee can lawfully practice his profession until the expiration of its validity. However, renewal of license can only be done upon payment of renewal fee corresponding to three (3) consecutive years.

Section 30. *Vested Rights: Automatic Registration of Practicing Mechanical Engineers.*- All practicing Mechanical Engineers who are registered at the time this Act takes effect, shall automatically be registered.

Section 31. *Coverage of Temporary/Special Permits.* -The following shall be required to secure a Temporary/ Special Permit from the Board subject to the approval by the Commission.

(a) Mechanical engineers, installation, commission or graduate engineers from other countries called in for consultation or for a specific design or installation project not requiring more than three (3) months residence in the Philippines in a twelve (12) month period: *Provided*, That such engineers are legally qualified to practice mechanical engineering in their own country or state in which the requirements and qualifications for obtaining a certificate of registration are at least equal to or more than those specified in this Act as certified by the Board;

(b) Foreigners employed as technical officers, training officers or consultants in such special branches of mechanical engineering who, in the judgment of the Board, are necessary and advantageous for the country particularly in the aspects of technology transfer, may be issued temporary permits: *Provided*, That such engagements have satisfied conditions, as may be deemed necessary as follows:

1) Non-availability of a mechanical engineer and/or mechanic in the country who is competent, able and willing at the time of engagement to perform the service for which the foreigner is desired for;

2) The foreigner must have been in the prior employ of the engaging firm, or its foreign business partner, outside of the Philippines for a period of not less than one (1) year immediately preceding the date of his engagement;

3) Any particular or specific engagement shall not be in excess of six (6) months but may be renewed once, if necessary, except when such engagement is for a newly established firm in which case the period of engagement may be for a longer term but not to exceed a total term of two (2) years.

Section 32. *Indication of License and Professional Tax Receipt.*- The Mechanical 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 practice of his profession.

Article IV PRACTICE OF THE PROFESSION

Section 33. *Field of Action Authorized for Each Category: Prohibition.*- It shall be unlawful for any person, unless authorized under this Act:

(a) to be in responsible charge of the preparation of plans, designs, investigations, valuation, technical reports, specifications, project studies or estimates or to be in performance of other professional mechanical engineering activities unless he is a duly licensed Professional Mechanical Engineer.

(b) to teach professional subjects in mechanical engineering course unless he is a duly licensed Professional Mechanical Engineer, or a Masters- degree or Doctorate degree holder in mechanical engineering.

(c) to be in responsible charge of the construction, erection, installation, alteration, or of the performance of a mechanical engineering service in connection with the manufacture, sale, supply or distribution of any mechanical works, project or plant either for himself or for others, unless he is a duly registered Professional Mechanical Engineer or Mechanical Engineer.

(d) to operate, tend or maintain, or be in-charge of the operation, tending, or maintenance of any mechanical works, projects, plant of 100 kw., or more but not more than 300 kw unless he is a duly licensed Professional Mechanical Engineer, Mechanical Engineer or Certified Plant Mechanic.

(e) to operate, tend, or maintain or be in-charge of the operation, tending, or maintenance of any mechanical equipment, machinery or process for any mechanical works, projects or plants of 300 kilowatts or above but not more than 2000 kw unless he is a duly licensed Professional Mechanical Engineer or Mechanical Engineer.

(f) to operate, tend or maintain, or to be in charge of the operation, tending or maintenance of any mechanical equipment, machinery, process for any mechanical works, projects or plants of over 2000 kw unless he is a duly licensed Professional Mechanical Engineer.

Section 34. *Personnel Required in Mechanical Plant.*-Every mechanical work project or plant in operation shall have not less than the following complement of resident licensed professional mechanical engineer, mechanical engineer or certified plant mechanic:

(a) 100 kw or over but not more than 300 kw: one (1) certified plant mechanic, or one (1) mechanical engineer, or one (1) professional mechanical engineer: *Provided*, That every mechanical work, project, or plant in this category operating in more than one shift every twenty four hours, shall have in addition to the minimum personnel herein required, one (1) certified plant mechanic, or one (1) mechanical engineer, or one (1) professional mechanical engineer in-charge of each and every additional shift.

(b) 300 kw or over, but not more than 2000 kw: one (1) mechanical engineer or one (1) professional mechanical engineer: *Provided*, That every mechanical work, project, or plant in this category operating in more than one shift every twenty-four (24) hours shall have, in addition to the minimum personnel herein required at least one (1) mechanical engineer, or one (1) professional mechanical engineer in-charge of each and every additional shift.

(c) Over 2000 kw: one (1) professional mechanical engineer: *Provided*, That every mechanical work, project or plant in this category operating in more than one shift every twenty-four (24) hours shall have, in addition to the minimum personnel herein required at least one (1) professional mechanical engineer in-charge of each and every additional shift.

Section 35. *Preparation of Plans and Supervision of Construction by Licensed Engineers Required.*- It shall be unlawful for any person to order or otherwise cause the fabrication, construction, erection, installation or alteration of any mechanical equipment, machinery or process for any mechanical works, projects, or plants, unless the designs, plans, layouts or specifications have been prepared by or under the responsible charge of, and duly signed and sealed by a Professional Mechanical Engineer. Likewise, proposals and quotations for the supply and fabrication of mechanical equipment, works, projects, plants, mechanical pollution abatement systems, mechanical fire protection systems, pressurized pipes with a working pressure of not less than 70 kpa., shall be duly signed and sealed by a Professional Mechanical Engineer.

Section 36. *Practice Not Allowed for Firms and Corporations.* Ñ The practice of mechanical engineering is a professional service, admission to which shall be determined upon the basis of an individuals- personal qualifications. No firm, company partnership, association or corporation may be registered or licensed as such for the practice of mechanical engineering: *Provided, however*, That persons properly registered and licensed as mechanical engineers may form and obtain registration with the Security and Exchange Commission of a firm, partnership or association using the term -Mechanical Engineers- and or -Architect and Mechanical Engineers- but nobody shall be a member, partner or associate unless he is a duly registered and licensed mechanical engineer, and the members who are mechanical engineers shall only render work and services proper for mechanical engineers as defined in this Act.

Section 37. *Posting of Certificates.*- The owner, manager, or other person in-charge of any mechanical works, projects, or plants of one hundred (100) kw or more, of a firm, co-partnership, corporation or joint-stock association, shall post or cause to be posted in a conspicuous place within such plant of business, the original certificate of registration of the engineer or engineers and of the certified plant mechanic/s employed in such plant, in a frame protected by transparent glass or its equivalent.

Section 38. *Roster of Engineers and Mechanics.*- A roster showing the names and place of business of all registered professional mechanical engineers, mechanical engineers and certified plant mechanics, shall be prepared by the Commission which shall be made available to any interested parties upon formal written request.

Section 39. *Foreign Reciprocity.*- No foreign mechanical engineer or mechanic shall be allowed to practice mechanical engineering or be given a certificate of registration or be entitled to any of the privileges under this Act unless he can prove in the manner provided by the rules of Court or by specific provisions of law or regulations, that the country of which he is a subject or citizen, in the spirit of reciprocity, permits Filipino mechanical engineers and/ or mechanics to practice within its territorial limits on the same basis as the subject or citizens of such country or state.

Section 40. *Enforcement of the Act by the Officers of the Law.*- 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 Conduct of the profession and prosecute when so warranted. It shall be the duty of all duly constituted authorities through the officers of the law of the national government, or any provincial, city, or municipal government or any political subdivision thereof, to enforce the provisions of this act and to prosecute any person violating the same.

Section 41. *Qualification Requirements.*- In a government or private institution where a position requires a Masters- degree holder, a holder of professional mechanical engineer license shall be eligible for the position. Likewise, where a position requires a professional mechanical engineers- license, a holder of a masters- or doctorate degree in mechanical engineering, with a registered mechanical engineers- license shall be considered for the position.

Article V PENAL AND CONCLUDING PROVISIONS

Section 42. *Penalties.*- In addition to the administrative sanctions imposed under this Act any person who violates any of the provisions of this Act and its rules and regulations shall, upon conviction be penalized by a fine of not less 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.

Section 43. *Implementing Rules and Regulations.*-The Board shall formulate and issue the implementing rules and regulations to carry out the provisions of this Act.

Section 44. *Funding Provisions.*- Such sums as may be necessary to carry out provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

Section 45. *Separability Clause.*- If any section or portion of this Act shall be declared unconstitutional or invalid, the same shall not invalidate all other sections or portions not affected thereby.

Section 46. *Repealing Clause.*-Commonwealth Act No. 294, as amended by Republic Act No. 5336, is hereby repealed and all other laws, parts of law, others, ordinances, or regulations relative to the practice of mechanical engineering which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 47. *Transitory Provisions.*-

a) Mechanical Plant Engineers possessing valid certificates of registration issued under Commonwealth Act No. 294 with BSME degree shall, after the approval of this Act, register and be issued certificates as professional mechanical engineers to replace their original certificate of registration upon payment of the required fees.

b) Faculty Members currently teaching mechanical engineering professional subjects in universities, colleges, institutes, or schools shall not be allowed to continue teaching after five (5) years from the approval of this Act, unless they are or have become Professional Mechanical Engineers or at least Registered Mechanical Engineers with a Masters- degree in Mechanical Engineering from duly recognized and accredited universities, colleges, institutes or schools.

c) The present Board shall continue to function in the interim until such time as the new Board shall be constituted.

Section 48. *Effectivity Clause.*- This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or a major daily newspaper of general circulation in the Philippines, whichever is earlier.

Approved:

JOSE DE VENECIA, JR.
Speaker of the
House of Representatives

NEPTALI A. GONZALES
President of the Senate

This Act, which is a consolidation of Senate Bill No. 1793 and House Bill No. 9806 was finally passed by the Senate and the House of Representatives on February 3, 1998 and January 28, 1998, respectively.

ROBERTO P. NAZARENO
Secretary General
House of Representatives

HEZEL P. GACUTAN
Secretary of the Senate

Approved:
FIDEL V. RAMOS
President of the Philippines

Resolution No. _____, Series of 1998

Rules and Regulations Implementing Republic Act No. 8495

The following Rules and Regulations are formulated and issued pursuant to Section 43 of Article V of Republic Act No. 8495, known as the "Philippine Mechanical Engineering Act of 1998" to carry out the provisions of the said Act.

Rule I TITLE, STATEMENT OF POLICY AND DEFINITION OF TERMS

Section 1. *Title*.- This Resolution shall be known and cited as the -Rules and Regulations Implementing the Philippine Mechanical Engineering Act of 1998 (RRIPMEA).

Section 2. *Statement of Policy*.- The Board of Mechanical Engineering concurs with and abides by the policy of the State in recognizing the importance of mechanical engineers in nation-building and development, in promoting their talents through sustainable human development and in developing and nurturing competent, virtuous, productive and well-rounded mechanical engineers whose standard of professional practice and service shall be excellent, qualitative, world-class and globally competitive through regulatory measures, programs and activities.

Section 3. *Definition of Terms*.- Unless otherwise provided, the following shall be understood to mean:

- a. *Board* - Board of Mechanical Engineering (BME)
- b. *Board Chairman* - Chairman, Board of Mechanical Engineering
- c. *Commission* ∅ Professional Regulation Commission (PRC)
- d. *Commission Chairman* ∅ Commissioner, Professional Regulation Commission
- e. *CPE* - Continuing Professional Education
- f. *C.A. No. 294, as amended by R.A. No. 5336* ∅ Old Mechanical Engineering Law
- g. *CHED* ∅ Commission on Higher Education
- h. *PME* ∅ Professional Mechanical Engineer
- i. *RME* ∅ Registered Mechanical Engineer
- j. *CPM* ∅ Certified Plant Mechanic
- k. *Integration* ∅ unification of all mechanical engineers including certified plant mechanics into one national organization of mechanical engineers to be accredited by the Board of Mechanical Engineering and the Commission without prejudice to their membership in other associations of mechanical engineers
- l. *OTEC* Ocean Thermal Energy Conversion utilizing the difference in temperature of deep ocean water and surface water to generate electricity
- m. *Practice of Mechanical Engineering* ∅ refers to the performance of the following:
 - (1) Consultation, valuation, investigation and management services requiring mechanical engineering knowledge;
 - (2) Engineering design, preparation of plans, specifications and projects studies or estimates for mechanical equipment, machinery, or processes of any mechanical works, projects or plants;
 - (3) Management or supervision of the erection, installation, alteration, testing and commissioning of mechanical equipment, machinery, or processes in mechanical works, projects of plants;
 - (4) Management, supervision, operation, tending or maintenance of any mechanical equipment, machinery or processes in mechanical work, projects or plants;
 - (5) Management or supervision of the manufacture, sale, supply or distribution of mechanical equipment, parts or components;
 - (6) Teaching of mechanical engineering professional subjects in government recognized and accredited engineering schools; and
 - (7) Employment in government as a professional mechanical engineer, registered mechanical engineer, or certified plant mechanic if the nature and character of his work is in line with his profession, requiring professional knowledge of the science of mechanical engineering.
- n. *Mechanical Equipment or Machinery* - includes all prime movers such as steam engines and turbines, internal combustion engines and gas engines and turbines; steam generators such as boiler; furnaces; heat exchanger such as cooling towers, kilns and dryers, coolers and heaters; materials handling equipment, such as pumps, cranes, conveyors, hoists, elevators, escalators, mechanized dumbwaiters, moving ramps and walkways; heating, air-conditioning, ventilating, and refrigeration equipment and machinery, including compressors and centrifugal fans, mechanical pollution abatement and environmental control system; piping system with a working pressure of not less than 70 k.p.a., fired and unfired pressure vessels, printing machine; mechanical working machines for metallic and nonmetallic

materials and other mechanical equipment and machinery whether installed on land, underground, or on board watercraft.

- o. *Mechanical processes, works, projects or plants* – shall include steam plants, geothermal plants, dendro-thermal plants, nuclear plants, ocean thermal energy conversion (OTEC) plants, internal combustion plants, hydraulic plants, pumping plants, compressed gas plants, all kinds of mills, shops, factories, shipyards, dry docks, heating, air conditioning, ventilating and refrigeration plants containing any mechanical equipment, machinery or process deriving power from steam, fossil fuels, wind, air, gas, water, solar heat, nuclear energy, ocean waves and tides, or other energy sources.
- p. *Capacity of process works, projects or plant-rated capacity in kilowatt of mechanical works, projects or plants* - shall be the total kilowatt ratings of all engines, motors, boilers, turbines, or other prime movers installed for use in such works, projects or plants, whether in operation or not, and without regard to the number of capacities of the mechanical equipment, machinery or processes receiving power from or intended to be driven by such prime movers.
- q. *S.O.* - Special Order issued by the CHED authorizing the graduation of a student
- r. *Syllabi* - an outline or table of specifications comprising the contents of the subjects for licensure examination prescribed in a course of study of the subjects systematically arranged according to topics and/or subtopics from which test questions for the licensure examination shall be prepared within its scope.

Rule II OFFICIAL SEAL OF THE BOARD

Section 4. *Official Seal of the Board.*- The official seal of the Board shall be represented by a drawing of Hers-Stein Engine, 1st Century A.D., consisting of a cylindrical kettle mounted on a three-legged metal support, heated by firewood under the kettle with two tubes attached vertically inside the kettle opposite each other connected by a tube passing through a spherical metal ball which revolves on its axis emitting steam at the opposite side of the ball through small pipes. (See facsimile marked as Annex ÒÁÓ appended hereto and made an integral part of this Resolution).

Rule III COMPOSITION, QUALIFICATIONS, TERMS OF OFFICE AND MEETINGS OF THE BOARD

Section 5. *Composition of the Board.*- The Board shall be composed of a Chairman and two (2) members to be appointed by the President of the Philippines from a list of three (3) recommends for each position, chosen and ranked in the order of preference and submitted by the Commission, from a list of five (5) nominees submitted by the duly accredited association of mechanical engineers in the Philippines.

Section 6. *Qualifications of Members of the Board.*-A member of the Board shall, at the time of his appointment, possess the following qualifications:

- (a) Natural-born citizen and resident of the Philippines for at least five (5) years;
- (b) Must be at least thirty-five (35) years of age;
- (c) Holder of the degree of Bachelor of Science in Mechanical 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;
- (d) A Professional Mechanical Engineer with a valid professional license and an active practitioner of such, for not less than ten (10) years prior to his appointment;
- (e) Must not, for a period of three (3) consecutive years prior to appointment, be a member of the faculty of any school, academy, institute, college or university where a regular course in mechanical engineering is being taught, nor have 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 appointment, be connected with a review center or with any group or association where review classes or lectures in preparation for the licensure examination are offered or conducted at the time of the appointment;
- (g) Has never been convicted of any offense involving moral turpitude; and (h) Must not be a national officer of the accredited association of Mechanical Engineers of the Philippines at the time of the appointment (E.O. No. 496, S. 1991).

Section 7. *Term of Office.*- A member of the Board shall hold office for a term of three (3) years from the date of his appointment or until his successor shall have been duly appointed. No member shall serve more than two (2) regular terms.

Section 8. *Board, a Collegial Body.*- The Chairman and the members of the Board shall act as a collegial body on all matters involving the exercise of its powers and duties as well as policies laid down in R.A. No. 8495. Action on such matters shall be effective only when approved by the Commission.

Section 9. *Meetings of the Board.*-The Board shall hold its regular meeting once a month within the premises of the Commission or in such other places as may be agreed upon by the Board and approved by the Chairman of the Commission. A special meeting may be called by the Chairman or the two members. The Chairman shall preside over all meetings of the Board. In the absence of the Chairman, the senior member, if any, or the member designated by the Chairman shall preside.

Rule IV
DUTIES AND RESPONSIBILITIES
OF THE CHAIRMAN, THE MEMBERS
AND OF THE BOARD

Section 10. *Duties and Functions of the Chairman.*- The Chairman shall be the head of the Board and, as such, he shall equitably assign the subjects for examination to the members; designate the member or members who shall preside during the hearing or investigation of administrative cases where the issue involved concerns the practice of the profession or occupation; delegate the hearing or investigation of administrative cases filed before the Board to the legal or hearing officers of the Commission except where the issue strictly concerns the practice of the profession and to assign members who shall undertake the visitorial functions of the Board. He shall be responsible for the assignment of other duties and responsibilities to the members as well as the supervision and management of their work.

The Chairman shall be the spokesperson of the Board in the Commission and in other offices and agencies of the government in all that pertains to and concerns the functions of the Board. He may delegate such function to any of the members.

Section 11. *Enforcement and Implementation of R.A. No. 8495 Including the Rules and Regulations Promulgated Thereunder.*- The Board shall, in the exercise of its powers and performance of its duties, functions and responsibilities, be assisted and supported by the Commission through its offices, divisions, sections and/or units in the enforcement and implementation of the provisions of R.A. No. 8495 including the Rules and Regulations adopted by the Board and, whenever appropriate, the Commission shall request for the Board the assistance of duly constituted law enforcement officers to enforce the penal provisions of said Act.

Section 12. *Action on Documents and Other Papers by the Board.*- The Board shall act on all papers, communications, certificates, cases or other documents only within the premises of the Commission except when written permission is secured from the Chairman of the Commission.

Section 13. *Decisions, Orders or Resolutions and Other Issuance of the Board.*- In the promulgation of decisions or judgments and the issuance of orders or resolutions which are not interlocutory in an administrative case and in the implementation of the provisions of R.A. No. 8495 which are not self-executing, the Board shall meet en banc to deliberate and decide on such matters. The presence of a quorum shall be sufficient to deliberate and act upon the matters above-mentioned and a majority vote shall be required for the validity of the Act.

The presence of two (2) members shall constitute a quorum and the vote of two (2) members shall constitute a majority vote. Any action of the Board meeting en banc on any matter, except decisions or judgments in or those which are involved in or have arisen from an administrative case, shall be valid and enforceable only if approved by the Commission. Resolutions or other issuance of the Board whose purpose is to enforce or implement R.A. No. 8495 or which regulate the public must be published in the Official Gazette for their effectivity.

Section 14. *Official Business with the Commission.*- In all official businesses/meetings with the Commission, either upon call or by its request, the Board shall be represented by its chairman or in his absence by the senior member, if any, or by the member designated.

Section 15. *Interpretation of the Provisions of R.A. No. 8495 and the Rules and Regulations Promulgated Thereunder.* Ñ The Board may, at first instance, resolve issues or questions arising from the implementation of the provisions of R.A. No. 8495 in the form of opinions issued by the Board through its Chairman. It may also issue opinions on questions arising from the implementation of its Rules and Regulations as well as the Code of Ethics for Mechanical Engineers.

Section 16. *Records of the Board; Removal of Such Papers, etc.*- All records of the Board including applications for examination, examination papers and results, minutes of deliberation, administrative cases shall be kept by the Commission. No papers, communications, certificates, records of cases and other documents shall be removed from the premises of the Commission unless expressly authorized in writing by the Chairman of the Commission.

Section 17. *Annual Report.*- The Board shall, at the close of each calendar year, submit an annual report to the President of the Philippines through the Professional Regulation 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 inform the conditions affecting the practice of mechanical engineering in the Philippines.

Rule V
LICENSURE EXAMINATION FOR THE
PRACTICE OF MECHANICAL ENGINEERING

Section 18. *Examination Required for the Practice of Mechanical Engineering.*- Unless expressly exempted by the provisions of R.A. No. 8495, all persons desiring to practice the mechanical engineering profession must take and pass the licensure examination for the practice of mechanical engineering.

Section 19. *Application.*- All applicants for examination shall file a computerized application supplied by the Commission, free of charge, duly accomplished in the Application Division of the Commission or in any of its Regional Offices which are also designated as test centers for the profession, accompanied by authentic or authenticated copies of the required documents. A Filipino citizen who graduated from a foreign educational institution shall likewise attach to his application an endorsement from the Commission on Higher Education (CHED).

Section 20. *Categories of Mechanical Engineers.*- Certificate of Registration for the practice of mechanical engineering shall be of three (3) categories in the order of rank as follows:

- a) Professional Mechanical Engineer
- b) Mechanical Engineer and
- c) Certified Plant Mechanic.

Section 21. *Qualifications of Applicants for Professional Mechanical Engineer.*- Any applicant to the professional mechanical engineering examination must, at the time of filing of his application, establish to the satisfaction of the Board that:

- a) He is a citizen of the Philippines;
- b) He has graduated from an engineering school or college of recognized standing, after completing an approved course in mechanical engineering;
- c) He has a valid certificate of registration or a registered mechanical engineer and a holder of a valid professional license;
- d) He has specific record of a total of four (4) years or more of active mechanical engineering practice, reckoned from the time he became a Registered Mechanical Engineer;
- e) He is competent to practice, as attested to by at least two (2) Professional Mechanical Engineers;
- f) He must not have been convicted by a court law of a crime involving moral turpitude.

Section 22. *Qualification of Applicants for Mechanical Engineer.*- Any person applying for examination for a Certificate of Registration as Mechanical Engineer shall, prior to admission to the examinations, establish to the satisfaction of the Board that:

- a) He is a citizen of the Philippines;
- b) He holds the degree of Bachelor of Science in Mechanical Engineering from a university, school, college, academy, or institute duly recognized as such by the government;
- c) He must not have been convicted by a court of law of a crime involving moral turpitude.

Section 23. *Qualifications of Applicant for Certified Plant Mechanic.*- Any person applying for examination for a Certificate of Registration as Certified Plant Mechanic shall establish to the satisfaction of the Board that:

- a) He is a citizen of the Philippines;
- b) He has graduated from a vocational or trade school duly recognized by the government after completing an approved course of not less than two (2) years in stationary or power plant engineering or any mechanical plant operation including but not limited to machine shop equipment and heavy equipment;
- c) He has specific record of an additional one (1) year or more of active practice in mechanical plant operation of such character as indicated in an affidavit of a registered Professional Mechanical Engineer and, likewise, establish to the satisfaction of the Board that the applicant is competent to undertake the operation, tending and maintenance of mechanical works, projects or plant of not less than one hundred (100) kilowatts;

- d) He has a working knowledge of and can read, write and speak English or any of the major Philippine dialects; and
- e) He must not have been convicted in a final judgment by a court of law of a crime involving moral turpitude.

Section 24. *Scope of Examination.*- The scope of examination and the methods of procedure with special reference to the applicants- ability to perform the type of engineering work pertaining to the particular category he is to be registered in are hereby prescribed as follows:

I. *Professional Mechanical Engineer* - The granting of professional mechanical engineer Certificate of Registration shall be testimonial in nature which shall include the submission of an enumeration of the applicants- experience including the presentation of an engineering report/technical paper pertinent to his line of experience attested to by at least two (2) Professional Mechanical Engineers in an affidavit for this purpose Guidelines for Applicants in Professional Mechanical Engineers Examination:

1. The following documents/papers must be submitted with the application:

- a) Certificate of Competence under oath by a Professional Mechanical Engineer
- b) Affidavit of the Applicant
- c) Certificate of Experience under oath executed by his superior
- d) Detailed Description of Machinery's and Equipment
- e) List of Designs (if any) undertaken with the supervision of a PME
- f) Curriculum Vitae
- g) At least two (2) titles of Proposed Reports, each with a short write-up and table of contents. Reports must be pertinent, allied or relevant to the experience of the applicant.

2. Computerized applications duly accomplished shall be submitted to the Application Division of the Commission during office hours on any working day.

3. Evaluation of submitted applications shall be done by at least two (2) members of the Board.

4. Applicant shall be informed of the approval or disapproval of his application within a reasonable number of days from receipt of application.

5. In the evaluation of the experience of applicants, the following should be considered: Design experience Maintenance and operation Fabrication and shop practice Installation Others

6. Every applicant shall be required to present himself before at least two (2) members of the Board for two (2) interviews. The first interview shall be made before the submission of the engineering report and may deal on any field of practice in mechanical engineering, including the Mechanical Engineering Law and Code of Ethics. The second interview will only deal on the engineering report submitted by the applicant. In both cases, the applicant shall be sent notices for interview. Except in meritorious cases, non-appearance of applicant in the scheduled interview shall mean failure.

7. Release of the results of the examination for Professional Mechanical Engineers may or may not coincide with the release of the results of the examination for Mechanical Engineers and Certified Plant Mechanics. Applicants shall be individually informed of the results not later than three (3) months from the date of the last interview.

8. Any applicant who failed to pass the examination may apply for re-examination after the lapse of at least one (1) year from the date of notice of last failure.

9. The engineering report must be accompanied by the following:

- a) Letter of Transmittal addressed to the Board
- b) Affidavit of Applicant
- c) Affidavit of Competency
- d) Curriculum Vitae of Applicant
- e) Certificate of Experience
- f) Engineering Report

(The engineering report must conform with the following outline:)

f.1. Title Page

f.2. Table of Contents

f.2.1. Chapter I - Introduction

- Brief History of plant, firm, or establishment
- Subject of the Report
- Capitalization
- Ownership
- Organizational Setup with Technical Organization
- Location (with maps)

f.2.2. Chapter II - Report Proper

f.2.3. Chapter III – Engineering Economics Analysis, Observation, Comments and Recommendations

f.3. Bibliography *Note: -b- and -e- may be placed as last pages on the report.*

10. Applicant must prepare five (5) copies of the engineering report in legal size bond paper, typed double space, book bound with hard cover and color may be blue, maroon, black, green or red. 11. Ratings: Percentage Weight

a) Interview 50%

b) Report 50%

II. *Mechanical Engineer* - The applicant must pass a written examination on different subjects or group of subjects with emphasis on power plant and industrial plant engineering, mathematics, engineering economics, economic analysis, laws and ethics and machine design. The subjects in which the applicant for Mechanical Engineers shall be examined with their corresponding percentage weights are:

Percentage weight

- | | |
|--|-----|
| 1. Machine Design, Material and Shop Practice | 30% |
| 2. Industrial and Power Plant Engineering | 35% |
| 3. Mathematics, Engineering Economics and Basic Eng.- Services | 35% |

III. *Certified Plant Mechanic* ∅ The examination for Certified Plant Mechanic may be written or oral on submitted statement of experience based on the following subject matters with their corresponding percentage weights:

Percentage Weight

- | | |
|--|-----|
| 1. Elements of Power Plant machinery | 30% |
| 2. Elements of Industrial Plant Machinery; and | 35% |
| 3. Shop Machinery Practice | 35% |

Section 25. *Holding of Examination.*- Examination for the practice of mechanical engineering in the Philippines shall be given twice a year in the City of Manila and in such other places as may be determined by the Board and approved by the Commission. The names, dates and venues of examination for each year shall be included in the schedule of Professional Licensure Examination issued annually by the Commission. Written or printed notice of such examination shall be posted on the bulletin boards of the Main and Regional Offices of the Commission and furnished to all schools, colleges and universities offering the courses for licensure examination for dissemination to their graduates.

Section 26. *Program of Examination.*- The Board shall issue a program for every scheduled examination not later than twenty (20) days before the first day of examination which shall contain the following information:

- a) Name/s of licensure examinations
- b) Subjects for examination with their corresponding percentage weights, time, dates and places/venues of examination.
- c) Instruction to examinees
- d) Names and signatures of Chairman and Members of the Board.

Section 27. *Publication of the Examination.*- The dates, time and venues of the licensure examination shall, as far as practicable, be published in a newspaper of general circulation or in broadcast media. The program of examination shall, upon its issuance, be turned to schools, colleges and universities offering mechanical engineering courses for the information and guidance of their graduates.

Section 28. *Ratings.*- To pass the examination, a candidate for professional mechanical engineer, mechanical engineer and certified plant mechanic must obtain an average of seventy (70%) percent in all subjects, with no rating below fifty (50%) percent in any of the subjects.

Section 29. *Re-examination.*- An applicant who fails pass the examination for the third time shall be allowed to take another examination only after the lapse of one (1) year from the date of the last examination taken.

Section 30. *Formulation of Syllabi.*- The Board shall prepare, adopt, issue or amend the syllabus for each of the subjects for examination. Test questions that will be given in the examination shall be within the scope of the syllabi.

Section 31. *Full Computerization of Examination.*- The licensure examination for Mechanical Engineering shall be fully computerized. New members of the Board assigned a particular subject shall prepare at least 500 test questions to be encoded in the test questions data bank from which the questions to be given in a particular licensure examination shall be extracted at random from the computer. The test questions data bank of the Board Member shall be replenished within sixty (60) days from the release of the result of examination with at least three (300) hundred test questions every after examination until the bank has reached a total of two (2,000) thousand questions. Thereafter, the replenishment shall be equal to the number of questions extracted. The correction of the answer sheets of the examinee shall be done by the computers.

Rule VI
REGISTRATION AND ISSUANCE
OF CERTIFICATES OF REGISTRATION
AND LICENSES

Section 32. *Registration of Successful Examinees.*- All those who passed the licensure examination for Professional Mechanical Engineer, Mechanical Engineer and Certified Plant Mechanic shall, unless specifically deferred for cause by the Board, be registered after taking the oath of a professional before the member of the Board or any person authorized by law to administer oaths and upon payment of the prescribed fees.

Section 33. *Issuance of Certificates of Registration and Professional Licenses.*- Upon compliance with all the requirements for registration, the Professional Mechanical Engineer, Mechanical Engineer or Certified Plant Mechanic shall sign the roll of Professional Mechanical Engineers, Mechanical Engineers or Certified Plant Mechanics after his name has been entered therein. He shall be issued a certificate of registration and the corresponding professional license upon payment of the prescribed fees.

Section 34. *Renewal of Professional License.*- The professional license issued to Professional Mechanical Engineers, Mechanical Engineers or Certified Plant Mechanics shall be valid for three (3) years from its issuance and, unless the holder thereof is exempt from CPE requirements, shall be renewed every after three (3) years on the birth month of the Professional Mechanical Engineer, Mechanical Engineer and Certified Plant Mechanic upon presentation/ submission of the required Continuing Professional Education credit units earned and payment of prescribed fees.

Section 35. *Temporary Removal from the Roll of Professional Mechanical Engineers, Mechanical Engineers or Certified Plant Mechanics.*- A Professional Mechanical Engineer, Mechanical Engineer or Certified Plant Mechanic who has been delinquent in the payment of his license fees for five (5) consecutive years or more from the year it was last paid shall, after due process has been complied with, be considered suspended and his name shall be dropped from the Roll of Professional Mechanical Engineers, Mechanical Engineers or Certified Plant Mechanics for not having been in good standing and may be reinstated only upon application, compliance with CPE requirements and payment of the delinquent license fees and surcharges and the fee for registration without examination.

Section 36. *Lifting of Deferment of Registration.*- the cause/s of deferment of the registration of the successful examinee has/have been complied with, the examinee shall be allowed to register as Professional Mechanical Engineer, Mechanical Engineer or Certified Plant Mechanic, as the case may be, after taking the oath of professional and payment of the required fees.

Section 37. *Automatic Registration.*- All practicing Professional Mechanical Engineers, Mechanical Engineers and Certified Plant Mechanics who are registered with the Professional Regulation Commission in accordance with the provisions of Commonwealth Act No. 294, as amended, are hereby automatically registered without the payment of registration fees and are authorized to continue practicing the Mechanical Engineering Profession, provided their licenses have not expired.

Those Professional Mechanical Engineers, Mechanical Engineers and Certified Plant Mechanics registered with the Professional Regulation Commission in accordance with the same Act who are delinquent in the payment of their license fees at the time R.A. No 8495 took effect shall likewise be automatically registered

only upon compliance with CPE requirements and payment of their delinquent license fees including penalties/surcharges. They can continue to practice their profession only upon issuance of their professional license.

Section 38. *Reinstatement of Certificate of Registration.*- The Board may, upon application or petition and for reasons of equity and justice, reinstate the validity of a revoked certificate of registration and professional license, upon compliance with CPE requirements and payment of the required fees after at least two (2) years from date of revocation.

Section 39. *Replacement of Certificates.*- Upon payment of the required fee, a new certificate of registration may be issued to replace any lost, destroyed or mutilated certificate.

Rule VII ADMINISTRATIVE PROCEEDINGS

Section 40. *Administrative Investigation.*- The investigations of cases against a registered Professional Mechanical Engineer, Mechanical Engineer or Certified Plant Mechanic shall be conducted by the Board with the assistance of the legal/hearing officers of the Commission in accordance with the pertinent provisions of the -Rules and Regulations Governing the Regulation and Practice of Professionals - as amended, issued by the Commission. The Revised Rules of Court shall be supplementary to the said Rules.

Section 41. *Grounds for the Suspension or Revocation of Certificates.*- The Board may, after due notice and hearing, suspend or revoke the certificate of registration and license of a registered Professional Mechanical Engineer, Mechanical Engineer or Certified Plant Mechanic or the temporary/special permit issued to foreign mechanical engineers allowed by law to practice mechanical engineering in the Philippines upon any of the following grounds:

- 1) Use or perpetuation of any fraud or deceit in obtaining a certificate of registration
- 2) Negligence
- 3) Incompetence
- 4) Unprofessional or dishonorable conduct
- 5) Abetment of the illegal practice of Mechanical Engineering.
- 6) Violation of the Code of Ethics for Mechanical Engineers and Certified Plant Mechanics
- 7) Violation of policies of the Board
- 8) Non-compliance with CPE requirements.

Rule VIII REPORT ON THE PERFORMANCE OF THE CANDIDATES OF SCHOOLS, COLLEGES AND UNIVERSITIES IN LICENSURE EXAMINATIONS

Section 42. *Report of the Board.*- The Board shall, with the assistance of the Public Information and Statistics

Section of the Professional Regulation Commission, prepare a report on the performance of the examinees of schools, colleges or universities in the licensure examinations for Mechanical Engineers and Certified Plant Mechanics The Board may recommend to the Commission on Higher Education: (1) the monitoring of schools, colleges and universities, whether public or private, whose successful examinees in three (3) consecutive licensure examinations is less than 5% of the total number of its candidates who took the said licensure examinations; (2) the publication of the names of schools, colleges and universities whose successful examinees in five (5) successive licensure examinations in a particular profession is less than five percent (5%) of the total number of examinees of said schools, colleges or universities in each of the licensure examinations taken; and (3) the phase out of the course/ program.

Rule IX SEAL AND USE OF SEAL OF PROFESSIONAL MECHANICAL ENGINEERS

Section 43. *Seal of a Professional Mechanical Engineer.* - The seal of a professional mechanical engineer shall be in the form of a gear. The outer circle being 40 mm in diameter, the inner circle being 20 mm in diameter, inside the upper circular band shall be inscribed the words -Registered Professional- and in the lower circular band shall be inscribed the words -Mechanical Engineer-, their letters equally spaced and spread inside the circular band; a rectangular band placed horizontally across the center of the gear where the name of the professional shall be inscribed; two circular bands intersecting at the center of the gear joined at the center by a circle and below the lower arc of the circle shall be the registration number of the professional. (See facsimile marked as Annex "B" appended hereto and made an integral part of this Resolution.)

Section 44. *Use of Seal*.- Every Professional Mechanical Engineer shall, upon registration, obtain a seal above described which shall be stamped/affixed on every sheet of designs, plans, specifications, project feasibility studies, appraisals, recommendations, technical reports, proposals and other professional documents involving mechanical equipment, works, projects or plants to be submitted or filed with government authorities or to be signed, issued or used professionally.

Rule X
REGISTRATION WITH OR WITHOUT
EXAMINATION AND/OR ISSUANCE OF
SPECIAL/TEMPORARY PERMITS TO FOREIGN
MECHANICAL ENGINEERS

Section 45. *Applicability of Guidelines Promulgated by the Commission*.- The -Guidelines on the Registration of Foreign Professionals Allowed by Laws to Practice the Regulated Professions in the Philippines, as amended, promulgated by the Professional Regulation Commission on January 20, 1998 shall be applicable to foreign Professional Mechanical Engineers and Mechanical Engineers. The Board of Mechanical Engineering shall adopt, issue or promulgate rules providing for the procedure for the taking by foreigners of the licensure examination for Professional Mechanical Engineer and Mechanical Engineer and for the registration with or without examination and issuance of licenses through reciprocity as well as the issuance of temporary/special permits to foreign Professional Mechanical Engineers and Mechanical Engineers allowed by other laws to practice their professions in the Philippines.

Rule XI
PROHIBITIONS, ENFORCEMENT
AND PENALTIES

Section 46. *Prohibitions*.-

- (1) No person shall practice mechanical engineering in this country unless such person shall have secured a license to practice Mechanical Engineering in the manner provided in R.A. 8495.
- (2) Unless authorized under R.A. 8495, it shall be unlawful for any person:
 - a) To be in responsible charge of the preparation of plans, designs, investigations, valuation, technical reports, specifications, project studies or estimates or to be in performance of other professional mechanical engineering activities unless he is a duly licensed Professional Mechanical Engineer;
 - b) To teach professional subjects in a mechanical engineering course unless they are or have become Professional Mechanical Engineers or at least Registered Mechanical Engineers with a Masters-Degree in Mechanical Engineering from duly recognized and accredited universities, colleges and institutes or schools;
 - c) To be in responsible charge of the construction, erection, installation, alteration, or of the performance of a mechanical engineering service in connection with the manufacture, sale, supply or distribution of any mechanical works, project or plant either for himself or for others, unless he is a duly registered Professional Mechanical Engineer or Mechanical Engineer;
 - d) To operate, tend or maintain, or to be in-charge of the operation, tending, or maintenance of any mechanical works, project, plant of 100 kw, or more but not more than 300 kw unless he is a duly registered Professional Mechanical Engineer, Mechanical Engineer or Certified Plant Mechanic;
 - e) To operate, tend or maintain, or maintain, or be in-charge of the operation, tending or maintenance of any mechanical equipment, machinery process for any mechanical works, projects or plants of 300 kW or above but not more than 2000 kW unless he is a duly licensed Professional Mechanical Engineer or Mechanical Engineer;
 - f) To operate, tend or maintain, or to be in-charge of operation, tending or maintenance of any mechanical equipment, machinery process for any mechanical works, projects or plants for over 2000 kW unless he is a duly licensed Professional Mechanical Engineer.
- (3) It shall also be unlawful for any one to stamp or seal any document with a seal of a Professional Mechanical Engineer after the certificate of registration shall have been revoked or cancelled.

Section 47. *Enforcement*.- Without prejudice to the enforcement of the provisions of R.A. No. 8495, particularly Sections 33 and 35 among others by the duly constituted officers of the law of the national, provincial, city or municipal government, the Commission through its hearing/legal officers shall conduct investigations on complaints under oath filed by aggrieved persons on any violation of the penal provisions of R.A. No. 8495 and, if the evidence adduced so warrant, shall forward the records of the case to the office of the city or provincial prosecutor which has jurisdiction over the case for the prosecution of the offender/violator.

The Commission may also refer the case to the Board for hearing with the assistance of the hearing/legal officers of the Commission if offender would likewise be liable for administrative sanctions.

Section 48. *Penalties.*- In addition to the administrative sanctions imposed under R.A. No. 8495, any person who violates any of the provisions of said Act and rules and regulations promulgated thereunder shall, upon conviction, be penalized by a fine of not less 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.

Rule XII

INTEGRATION OF MECHANICAL ENGINEERS

Section 49. All registered Professional Mechanical Engineers, Mechanical Engineers and Certified Plant Mechanics shall be integrated into one national organization of Mechanical Engineers to be accredited by the Board of Mechanical Engineering and the Professional Regulation Commission.

All persons whose names now appear in the rolls of professional mechanical engineers, mechanical engineers and certified plant mechanics under the custody of the Board and the Commission, or those who may hereafter be included therein upon registration and payment of the required fees shall automatically become members of the accredited integrated organization of mechanical engineers. The integration of the mechanical engineers into one national organization shall not be a ban to the formation of voluntary organizations of mechanical engineers which may co-exist with the accredited integrated organization of mechanical engineers.

The Board, subject to the approval of the Commission, shall issue guidelines for the integration of all professional mechanical engineers, mechanical engineers and certified plant mechanics into one national organization of mechanical engineers which shall be accredited by the Board and the Commission.

Rule XIII

MISCELLANEOUS PROVISIONS

Section 50. *Code of Ethics and Professional Standards.* - The Board shall, in consultation with the accredited integrated organization of mechanical engineers, adopt and promulgate a Code of Ethics and Professional Standards for the Practice of Mechanical Engineering subject to the approval of the Commission.

Section 51. *Indication of License and Privilege Tax Receipt.*- A mechanical engineer shall indicate his registration/ professional license number, its expiry date, including his privilege tax receipt number on the documents he signs, uses or issues in connection with the practice of his profession.

Section 52. *Teaching of Mechanical Engineering Professional Subjects.*¹ Only a duly registered and licensed Professional Mechanical Engineer or registered Mechanical Engineer with Masters- degree in mechanical engineering from a public or government recognized and accredited university, college, institute or school shall be allowed to teach professional subjects in mechanical engineering courses offered in public or government recognized schools, colleges or universities.

Section 53. *Appointment of Professional Mechanical Engineers in Government.*- Where a position in a government institution requires a masters- degree holder in mechanical engineering, a holder of a professional mechanical Engineers- license shall be eligible for the position. Where a position requires a licensed professional mechanical engineer, a holder of a masters- degree or doctorate degree in mechanical engineering with a registered mechanical engineers- license shall be qualified for the position in the absence of licensed professional mechanical engineers.

Section 54. *Practice of Mechanical Engineering not Allowed in Firms and Corporations.*- Firms, companies, partnerships, associations or corporations are not allowed to practice mechanical engineering. However, persons who are registered and licensed as mechanical engineers may form and register with the Securities and Exchange Commission a partnership or association using the term –Mechanical Engineers- and/or -Architect and Mechanical Engineers- provided that its partners or members are duly registered and licensed mechanical engineers and members who are mechanical engineers shall only render work and services proper for mechanical engineers as defined by R.A. No. 8495.

Rule XIV

TRANSITORY PROVISIONS

Section 55. *Mechanical Plant Engineers.*- Mechanical Plant Engineers possessing valid certificates of registration issued under Commonwealth Act No. 294 with BSME degree shall, after the approval of R.A. No. 8495, register and be issued certificates as professional mechanical engineers to replace their original certificates of registration upon payment of the required fees.

Section 56. The present Board shall continue to function in the interim until such time as the new Board shall be constituted.

Section 57. *Incumbent Faculty Members Teaching Mechanical Engineering Professional Subjects.*- Faculty members currently teaching mechanical engineering professional subjects in universities, colleges, institutes or schools shall not be allowed to continue teaching after five (5) years from the approval of R.A. No. 8495 unless they are or have become Professional Mechanical Engineers or at least Registered Mechanical Engineers with a Masters- degree in Mechanical Engineering from duly recognized and accredited universities, colleges, institutes or schools.

Rule XV
SEPARABILITY AND EFFECTIVITY CLAUSES

Section 58. *Separability Clause.*- If any section, paragraph, provision or clause hereof shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof, but such judgment shall be merely confined to the section, paragraph, provision or clause directly involved in the controversy in which such judgment has been rendered.

Section 59. *Effectivity.*- This Rules and Regulations shall take effect after thirty (30) days following its publication in full in the Official Gazette or in a newspaper of general circulation, whichever comes earlier.

Done in the City of Manila this ____ day of September, 1998.

ANTONIO RO. HERRERA
Chairman

DONATO K. KARAMIHAN
Member

JUANITO A. ELERIA
Member

Attested:

CARLOS G. ALMELOR
Secretary, Professional Regulatory Boards

Approved:
HERMOGENES P. POBRE
Chairman

ALFONSO G. ABAD
Commission Member

AVELINA DE LA REA-TAN
Commission Member