

# Republic Act No. 9297

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**Republic of the Philippines  
Congress of the Philippines  
Metro Manila**

**Twelfth Congress**

**Third Regular Session**

Begun and held in Metro Manila, on Monday, the twenty-eighth day of July, two thousand three.

[REPUBLIC ACT NO. 9297]

AN ACT REGULATING THE PRACTICE OF CHEMICAL ENGINEERING AND REPEALING FOR THIS PURPOSE REPUBLIC ACT NUMBERED THREE HUNDRED AND EIGHTEEN (R.A. NO. 318), OTHERWISE KNOWN AS "THE CHEMICAL ENGINEERING LAW"

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

## ARTICLE I

### TITLE, STATEMENT OF POLICY, DEFINITION OF TERMS AND SCOPE OF PRACTICE

SECTION 1. *Title.* – This Act shall be known as the "Chemical Engineering Law of 2004."

SEC 2. *Statement of Policy.* – It is hereby declared the policy of the State to supervise and regulate the practice of chemical engineering vital to national development, upgrade chemical engineering education in order to ensure that our chemical engineers are at par with the best in the world, and to reserve the practice of such profession to Filipino citizens:

SEC 3. *Definition of Terms.* -

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

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

(b) Industrial plant shall mean any plant in which a unit process and or operations are involved, including the related pollution control and abatement process or operations.

(c) Unit process shall mean the chemical change which is involved in the manufacture of industrial or consumer products or the treatment of industrial or chemical wastes.

(d) Unit operation shall mean the physical operation by which a desired step in an industrial process is conducted or controlled. This includes, but is not limited to: storage of gases, liquids, solids, heat, transfer, evaporation; mass transfer, i.e. distillation, absorption, adsorption, drying, humidification, extraction, leaching, mixing and dispersion, separation, i.e., filtration, screening, molecular sieving and coalescing.

(e) Professional chemical engineering subjects shall mean any of the following and similar chemical engineering topics: chemical engineering thermodynamics; chemical engineering calculations; physical and chemical principles; industrial processes; momentum transfer; heat transfer; mass transfer; industrial waste management and control; process equipment and plant design; and biochemical engineering and bioengineering; and

(f) Chemical engineer shall mean a person duly registered and a holder of a valid Certificate of Registration and Professional Identification Card issued by the Board of Chemical Engineering and the Professional Regulation Commission.

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

(1) Consultation requiring chemical engineering knowledge, skill and proficiency;

(2) Investigation;

(3) Estimation and/or valuation;

(4) Planning;

(5) Preparation of feasibility studies;

(6) Designing;

(7) Preparation of specifications;

(8) Supervision of installation;

(9) Operation, including quality management; but excluding chemical analysis and operation of the chemical laboratory; and

(10) Research and development.

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

## ARTICLE II

### CREATION OF THE PROFESSIONAL REGULATORY BOARD FOR CHEMICAL ENGINEERS

SEC 5. *Composition of the Board.* – There shall be created a Board of Chemical Engineering, hereinafter referred to as the Board, under the administrative control and supervision of the Professional Regulation Commission, hereinafter called Commission, composed of a Chairman and two (2) members to be appointed by the President of

the Philippines from among those recommended by the Commission from the nominees of the duly integrated and accredited national organization of chemical engineers.

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

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

- (p) Prosecute or institute criminal action against any violation of this Act and/or rules and regulations of the Board;
- (q) Prescribed guidelines and criteria on the Continuing Professional Education (CPE) program for chemical engineers in consultation with the integrated and accredited chemical engineering organization; and
- (r) Perform such other functions as may be necessary in order to implement the provisions of this Act.

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

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

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

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

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

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

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

### ARTICLE III

#### LICENSURE EXAMINATION AND REGISTRATION

SEC 13. *Examination Requirement.* – All applicants for registration for the practice of chemical engineering shall be required to pass the licensure examination prescribed herein.

SEC 14. *Holding of Examination.* – Examination of candidates desiring to practice chemical engineering shall be given twice each calendar year on the dates and venues prescribed by the Commission. Such examination shall be conducted by the Board.

SEC 15. *Scope of Examination.* – The licensure examination shall cover, but shall not be limited to, the following subjects: Physical and Chemical Principles; General Engineering; and Chemical Engineering: *Provided*, That the relative weight of Chemical Engineering is not less than forty per centum (40%).

SEC 16. *Qualifications for Examination.* – Any person applying for admission to the chemical engineering examination must have the following qualifications:

(a) That he/she is a citizen of the Philippines;

(b) That he/she is of good moral character;

(c) That he/she is a graduate of a school, institute college or university recognized by the Government and has been conferred the degree of Bachelor of Science in Chemical Engineering or its equivalent; and

(d) That he/she has not been convicted of an offense involving moral turpitude by a court of competent jurisdiction.

SEC 17. *Examination Fees.* – Every applicant admitted to take the chemical engineering examination shall pay such fees as may be prescribed by it before he or she is allowed to take the examination.

SEC 18. *Report of Rating.* – The Board shall complete the correction of examination papers within twenty (20) days from the last day of the examination. The Commission shall report the rating of examinees not more than thirty (30) days after the Board has completed the correction of examination papers.

SEC 19. *Issuance of Certificate of Registration and Professional/Identification Card.* – The Commission, on recommendation of the Board, enter in the Roster of Chemical Engineers, and issue a Certificate of Registration and Professional Identification Card to each person who obtained a general average of no less than seventy per centum (70%) and a rating of no less than fifty per centum (50%) in any examination subject. Every Certificate of Registration shall state the full name of the registrant and his registration number, and shall be signed by the Chairman and Members of the Board and the Commissioner of the Commission and authenticated by the official seal of the Commission indicating that the person named therein is entitled to the practice of the profession with all the privileges appurtenant thereto. The said certificate of registration shall remain in full force and effect until suspended or revoked in accordance with this Act.

A professional identification card bearing the signature, number, date of issuance, expiry date, duly signed by the Chairman of the Commission shall likewise be issued to every registrant who has paid the prescribed fee.

SEC 20. *Seal of Registered Chemical Engineer.* – Each chemical engineer shall, upon registration, obtain a seal as prescribed by the Board bearing the registrant's name, registration number and the legend "Registered Chemical Engineer." Plans, specifications, reports and other professional documents prepared by or executed under the supervision of and issued by the registrant shall be stamped on every sheet with said seal when filed with the Government authorities or when submitted or used professionally.

SEC 21. *Fees for Registration.* – Every person issued a Certificate of Registration as a registered chemical engineer shall pay to the Commission such fees as the Commission may prescribe.

SEC 22. *Exemptions from Registration.* – Registration shall not be required of the following persons upon proper application for exemption with the Board:

(a) Foreign chemical engineers, recognized as experts in their specific fields of chemical engineering, called in by the Republic of the Philippines for consultation or for a specific design, installation or project; *Provided*, That their practice shall be confined to such work; and

(b) Foreign chemical engineers; who have distinguished themselves in their respective fields of specification, contracted as professors or lecturers or chemical engineering subjects by Philippine schools, or colleges, institutes or universities on a direct hire or exchange basis, subject to verification of credentials by the Board.

SEC 23. *Suspension or Revocation of Certificate of Registration and Certificate of Compliance.* – Any of the following shall be sufficient ground for the suspension or revocation of a Certificate of Registration:

(a) Any act of misrepresentation in connection with an alleged performance of chemical engineering devices;

(b) Acts inimical to the chemical engineering profession; and

(c) Gross immorality or commission of any act involving moral turpitude.

Certificates of Compliance may be suspended or revoked for noncompliance with the provisions of this Act.

Complaints against registered chemical engineers and firms employing chemical engineers may be filed by any person or by the Board *motu proprio*. Complaints shall be in writing and sworn to by the persons executing them. Complaints shall be filed with the Secretary of the Board.

SEC 24. *Reissuance of Revoked Certificate of Registration or Certificate of Compliance and Replacement of Lost Certificates.* - The Board may, for reasons it may deem sufficient and upon proper petition, reissue revoked Certificates of Registration or Certificates of Compliance.

A new Certificate of Registration or Certificate of Compliance may be issued to replace a lost, destroyed or mutilated Certificate, subject to the rules and regulations of the Board, and upon payment of the appropriate fees to the Commission.

## ARTICLE IV

### PRACTICE OF CHEMICAL ENGINEERING

SEC 25. *Vested Rights, Automatic Registration of Chemical Engineers.* – All chemical engineers who are registered at the time this Act takes effect shall automatically be registered.

SEC 26. *Who May Practice Chemical Engineering.* – Except as may be provided in this Act, only persons properly licensed and registered may practice chemical engineering. No firm, partnership, corporation or association may be licensed and registered as such for the practice of chemical engineering, but duly licensed and registered chemical engineers may form partnerships among themselves or with other licensed and registered engineers and architects and use the title “Chemical Engineers,” “Engineers and Architects” in their partnership name.

SEC 27. *Prohibitions in the Practice of Chemical Engineering.* – No person shall practice chemical engineering or render chemical engineering service, without a valid certificate of registration and a valid professional identification card. Any person who shall commit the following acts shall be guilty of misdemeanor:

- (a) Practice chemical engineering or render chemical engineering services, or pass himself off or advertise himself as a chemical engineer without a valid certificate of registration or when such has been suspended or revoked;
- (b) Attempt to use as his own the certificate or seal of another person or impersonate any registered chemical engineer, or
- (c) Furnish the Board or Commission any false information or document in order to secure a Certificate of Registration.

SEC 28. *Roster of Chemical Engineers.* – The Commission shall keep a roster of all duly licensed and registered chemical engineers, stating their names; registration numbers and places of business. The Commission shall regularly update such roster and make it available to all interested parties.

SEC 29. *Submission of Designs and Specifications for Government Approval.* – Any proposal, design, specification, working drawings or plan for an industrial plant or any part thereof submitted to any government agency, national or local, including government-owned or controlled corporations, shall not be processed or approved, not shall such plant be issued any permit, license, franchise, authorization or certification, unless such proposal, design, specification, working drawing or plan is signed by a registered chemical engineer, with its seal and registration number affixed thereto.

SEC 30. *Foreign Reciprocity.* – No foreign chemical engineer shall be granted any of the right or privilege under this Act unless the country of which he is a subject or citizen grants the same or similar rights or privileges to Filipino chemical engineers.

SEC 31. *Act Not Affecting Other Professions.* – This Act shall not be construed to affect or prevent the practice of any other lawfully recognized profession.

SEC 32. *Indication of License Number and Privilege Tax Receipt Payment.* – The chemical engineer shall be required to indicate his Certificate of Registration, Professional Identification Card number, date of issuance in the duration of validity, including the Privilege Tax Receipt (PTR) of the documents he signs, uses or issues in connection with the practice of his profession.

SEC 33. *Membership in the Integrated and Accredited Professional Organization.* - There shall be an integrated national organization of chemical engineers duly accredited by the Board and the Commission. A chemical engineers duly registered with the Board and the Commission. A chemical engineer duly registered with the Board shall automatically becomes a member of the accredited organization, and shall receive the benefits appurtenant thereto upon payment of the required fees and dues. Membership in the integrated and accredited national organization shall be a bar to membership in other associations of chemical engineers.

## ARTICLE V

### GENERAL PROVISIONS

SEC 34. *Penal Clause.* - Any person who shall violate any of the provisions of this Act shall be guilty of misdemeanor and shall, upon conviction, be sentenced to a fine of not less than Ten thousand pesos (P10,000.00) nor more than One million pesos (P1,000,000.00) or imprisonment for a period of not less than six (6) months nor more than five (5) years or both at the discretion of the court.

SEC 35. *Enforcement Assistance to the Board.* – The Board shall be assisted by the Commission in carrying out the provisions of this Act and its implementing rules and regulations and other policies. The lawyers of the Commission shall act as prosecutors against illegal practitioners and other violators of this Act and its rules. The duly constituted

authorities of the government shall likewise assist the Board and the Commission in enforcing the provisions of this Act and its rules.

SEC 36. *Implementing Rules and Regulations.* – Subject to the approval of the Commission, the Board shall adopt and promulgate such rules and regulations including the Code of Ethics and Code of Technical Standards for Chemical Engineers to carry out the provisions of this Act, which shall be effective after thirty (30) days following their publication in the *Official Gazette* or in a major newspaper of general circulation.

SEC 37. *Separability Clause.* – If any section of this Act shall be declared unconstitutional or invalid, such shall not invalidate any other section of this Act.

SEC 38. *Repealing Clause.* – Republic Act No. 318 is hereby repealed and all other laws, decrees, orders, rules and regulations, ordinances, and other issuances or parts thereof which are inconsistent with this Act are hereby superseded, repealed or amended accordingly.

SEC 39. *Effectivity.* – This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or in any major newspaper of general circulation.

Approved,

(Sgd.) JOSE DE VENECIA JR. <i>Speaker of the House of Representatives</i>	(Sgd.) FRANKLIN M. DRILON <i>President of the Senate</i>
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This Act which is a consolidation of Senate Bill No. 2685 and House Bill No. 46 was finally passed by the Senate and the House of Representatives on February 6, 2004 and February 7, 2004, respectively.

(Sgd.) ROBERTO P. NAZARENO <i>Secretary General House of Representatives</i>	(Sgd.) OSCAR G. YABES <i>Secretary of the Senate</i>
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Approved: **MAY 13 2004**

(Sgd.) **GLORIA MACAPAGAL-ARROYO**  
*President of the Philippines*