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TWELFTH CONGRESS

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

[REPUBLIC ACT NO. 9292]

AN ACT PROVIDING FOR A MORE RESPONSIVE AND COMPREHENSIVE REGULATION FOR THE REGISTRATION, LICENSING AND PRACTICE OF PROFESSIONAL ELECTRONICS ENGINEERS, ELECTRONICS ENGINEERS AND ELECTRONICS TECHNICIANS, REPEALING REPUBLIC ACT NO. 5734, OTHERWISE KNOWN AS THE "ELECTRONICS AND COMMUNICATIONS ENGINEERING ACT OF THE PHILIPPINES", AND FOR OTHER PURPOSES

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

ARTICLE I
GENERAL PROVISIONS

SECTION 1. *Short Title.* - This Act shall be known as the "Electronics Engineering Law of 2004".

SEC. 2. *Statement of Policy.* - The State recognizes the importance of electronics engineering in nation-building and development. The State shall therefore develop and nurture competent, virtuous, productive and well-rounded Professional Electronics Engineers, Electronics Engineers and Electronics Technicians whose standards of practice and service shall be excellent, qualitative, world-class and globally competitive through inviolable, honest, effective and credible licensure examinations and through regulatory measures, programs and activities that foster their integrity, continuing professional education, development and growth.

SEC. 3. *Definition and Interpretation of Terms.* - As used in this Act, the following terms shall mean:

(a) Electronics - the science dealing with the development and application of devices and systems involving the flow of electrons or other carriers of electric charge, in a vacuum, in gaseous media, in plasma, in semiconductors, in solid-state and/or in similar devices, including, but not limited to, applications involving optical, electromagnetic and other energy forms when transduced or converted into electronic signals.

(b) Professional Electronics Engineer - a person who is qualified to hold himself/herself out as a duly registered/licensed Professional Electronics Engineer under this Act and to affix to his/her name the letters "PECE".

(c) Electronics Engineer - a person who is qualified to hold himself/herself out as a duly registered/licensed Electronics Engineer under this Act and to affix to his/her name the letters "ECE".

(d) Electronics Technician - a person who is qualified to hold himself/herself out as a duly registered/licensed Electronics Technician under this Act and to affix to his/her name the letters "ECT".

(e) Electronics and Communications Engineer - a person who is qualified to hold himself/herself out as a duly-registered/licensed Electronics and Communications Engineer under Republic Act No. 5734.

(f) Computer – any of a variety of electronic devices that is capable of accepting data, programs and/or instructions, executing the programs and/or instructions to process the data and presenting the results.

(g) Information and Communications Technology - the acquisition, production, transformation, storage and transmission/reception of data and information by electronic means in forms such as vocal, pictorial, textual, numeric or the like; also refers to the theoretical and practical applications and processes utilizing such data and information.

(h) Communications - the process of sending and/or receiving information, data, signals and/or messages between two (2) or more points by radio, cable, optical wave guides or other devices and wired or wireless medium

(i) Telecommunications - any transmission, emission or reception of voice, data, electronic messages, text, written or printed matter, fixed or moving pictures or images, words, music or visible or audible signals or sounds, or any information, intelligence and/or control signals of any design/format and for any purpose, by wire, radio, spectral, visual/optical/light, or other electronic, electromagnetic and technological means.

(j) Broadcast, Broadcasting - an undertaking the object of which is to transmit audio, video, text, images or other signals or messages for reception of a broad audience in a geographical area via wired or wireless means.

(k) Industrial Plant - includes all manufacturing establishments and other business endeavors where electronic or electronically-controlled machinery or equipment are installed and/or are being used, sold, maintained, assembled, manufactured or operated.

(l) Commercial Establishment - shall include but not be limited to office buildings, hotels, motels, hospitals, condominiums, stores, apartments, supermarkets, schools, studios, stadia, parking areas, memorial chapels/parks, watercraft and aircraft used for business or profit, and any other building/s or area/s for business purposes, where electronic or electronically-controlled machinery or equipment are installed and/or are being used, sold, maintained, assembled, manufactured or operated.

(m) Consulting Services - as used in this Act, shall include services requiring adequate technical expertise, experience and professional capability in undertaking advisory and review, pre-investment or feasibility studies, design, planning, construction, supervision, management and related services, and other technical studies or special studies in the field of electronics engineering.

(n) Accredited Professional Organization - the integrated and accredited national organization of Professional Electronics Engineers, Electronics Engineers and Electronics Technicians.

SEC. 4. *Categories of Practice.* - The following shall be the engineering and technician categories covered by this Act:

- (a) Professional Electronics Engineer (PECE)
- (b) Electronics Engineer (ECE)
- (c) Electronics Technician (ECT)

SEC. 5. *Nature and Scope of Practice of Electronics Engineering and Electronics Technician Professions.*

(a) The scope and nature of practice of the Electronics Engineer shall embrace and consist of any work or activity relating to the application of engineering sciences and/or principles to the investigation, analysis, synthesis, planning, design, specification, research and development, provision, procurement, marketing and sales, manufacture and production, construction and installation, tests/measurements/control, operation, repair, servicing, technical support and maintenance of electronic components, devices, products, apparatus, instruments, equipment, systems, networks, operations and processes in the fields of electronics, including communications and/or telecommunications, information and communications technology (ICT), computers and their networking and hardware/firmware/software development and applications, broadcast/broadcasting, cable and wireless television, consumer and industrial electronics, electro-optics/photonics/opto-electronics, electro-magnetics, avionics, aerospace, navigational and military applications, medical electronics, robotics, cybernetics, biometrics and all other related and convergent fields; it also includes the

administration, management, supervision and regulatory aspects of such works and activities; similarly included are those teaching and training activities which develop the ability to use electronic engineering fundamentals and related advanced knowledge in electronics engineering, including lecturing and teaching of technical and professional subjects given in the electronics engineering and electronics technician curriculum and licensure examinations.

(b) The scope and nature of practice of the Professional Electronics Engineer shall embrace and consist of all of the above plus the sole authority to provide consulting services as defined in this Act and to sign and seal electronics plans, drawings, permit applications, specifications, reports and other technical documents prepared by himself/herself and/or under his direct supervision.

(c) The scope and nature of practice of the Electronics Technician profession shall embrace and consist of any non-engineering work or activity relating to the installation, construction, operation, control, tests and measurements, diagnosis, repair and maintenance, manufacture and production, sales and marketing of any electronic component/s, device/s, products, apparatus, instruments, equipment, system/s, network/s, operations and processes located on land, watercraft, aircraft, industrial plants or commercial establishments, including the teaching and training of technical and professional subjects given in the electronics technician curriculum and licensure examinations.

ARTICLE II PROFESSIONAL REGULATORY BOARD OF ELECTRONICS ENGINEERING

SEC. 6. *Composition of the Board.* - There is hereby created a Professional Regulatory Board of Electronics Engineering, hereinafter referred to as the Board, under the administrative control and supervision of the Professional Regulation Commission, hereinafter referred to as the Commission, composed of a chairman and two (2) members who shall be appointed by the President of the Philippines from the three (3) recommendees per position chosen and ranked by the Commission, which recommendees shall in turn be chosen from the five (5) nominees for each position submitted by the accredited professional organization, in accordance with rules and regulations presently in existence or that may be promulgated for such purpose.

SEC. 7. *Powers and Functions of the Board.* - The Board is vested with the authority to:

- (a) Administer/Implement the provisions of this Act;
- (b) Administer oaths in connection with the administration of this Act;
- (c) Adopt an official seal of the Board;

(d) Issue, suspend or revoke Certificates of Registration and accordingly the Professional Identification Cards of Professional Electronics Engineers, Electronics

Engineers or Electronics Technicians, or otherwise suspend the holder thereof from the practice of his/her profession, for any justifiable cause and after due process;

(e) Maintain a roster of Professional Electronics Engineers, Electronics Engineers and Electronics Technicians;

(f) Issue, suspend and/or cancel special permits to foreign Professional Electronics Engineers, Electronics Engineers or Electronics Technicians in accordance with the provisions of this Act;

(g) Prescribe, amend or revise the requirements for licensing of Professional Electronics Engineers, and prepare, adopt and issue the syllabi of the subjects for the licensure examination for Electronics Engineers and Electronics Technicians, and prepare the questions therefore, in strict conformance with the scope of the syllabi;

(h) Adopt a program for the full computerization of the licensure examination;

(i) Grant registration without examination, subject to review and approval by the Commission, in accordance with the provisions of this Act;

(j) Study, examine and recommend, in coordination with the Commission on Higher Education (CHED) and the Technical Education and Skills Development Authority (TESDA), and in consultation with other concerned government entities and the accredited professional organization, the essential requirements as to curricula and facilities of schools, colleges or universities, seeking permission to open courses or programs or already offering courses or programs in electronics engineering, electronics technician and related courses or programs and to see to it that these requirements, including employment of qualified faculty members, are properly complied with: *Provided*, That within three (3) years after the effectivity of this Act, the Board shall, in coordination with CHED, TESDA, and in consultation with other concerned government entities and the accredited professional organization, review and define/re-define the curricula for electronics engineering, electronics technician and/or allied courses or programs for the purpose of re-aligning, revising and/or consolidating the same and/or otherwise defining the minimum requirements by means of which graduates of related or allied courses or programs can qualify to take the Electronics Engineer and Electronics Technician licensure examinations;

(k) Inspect educational institutions and based on their findings thereon, recommend to CHED and/or the TESDA and/or other government entities concerned with the granting of school permits or authorization, the opening, improvement/upgrading or closure of colleges or schools and universities offering electronics engineering and electronics technician courses or programs;

(l) Adopt and administer a Code of Ethics and a Code of Technical Standards of Practice for Professional Electronics Engineers, Electronics Engineers and Electronics Technicians in the Philippines;

(m) Promulgate rules and regulations on the scope of practice of Professional Electronics Engineers, Electronics Engineers and Electronics Technicians;

(n) Promulgate a program for continuing professional education and/or development of Professional Electronics Engineers, Electronics Engineers and Electronics Technicians;

(o) Prescribe the minimum manning and manpower requirements for Professional Electronics Engineers, Electronics Engineers and Electronics Technicians in industrial plants and commercial establishments for purposes of ensuring compliance with the provisions of this Act and all other ordinances, laws, rules and regulations that may be enacted hereinafter;

(p) Formulate, prescribe and adopt such rules and regulations for electronics installations in industrial plants, commercial establishments and other buildings or structures covered by the National Building Code of the Philippines, in coordination with the Department of Public Works and Highways (DPWH), other concerned agencies, representatives of industry and the Accredited Professional Organization;

(q) Study the conditions affecting the Professional Electronics Engineering, Electronics Engineering and Electronics Technician professions in the Philippines, and whenever necessary, exercise the powers conferred by this and other Acts, and adopt such measures as may be deemed proper for the enhancement and advancement of the professions and/or the maintenance of high professional, ethical and technical standards, and for this purpose, the Board may personally or through subordinate employees of the Commission or member/s of the Accredited Professional Organization, duly authorized by the Board and approved by the Commission, conduct ocular inspection or visit industrial plants and commercial establishments where Professional Electronics Engineers, Electronics Engineers and Electronics Technicians are employed for the purpose of determining compliance with the provisions of law relative thereto, in accordance with established policies promulgated by the Commission;

(r) Hear and decide violations of this Act, its implementing rules and regulations, the Code of Ethics and the Code of Technical Standards of Practice for the profession, and for this purpose, issue *subpoena ad testificandum* and/or *subpoena duces tecum* to secure attendance of witnesses and the production of documents in connection with the charges presented to and/or any investigation pending before the Board;

(s) Delegate the hearing or investigation of administrative cases filed before it to authorized officers of the Commission, except in cases where the issue involved strictly concerns the practice of the Professional Electronics Engineering, Electronics Engineering and Electronics Technician Professions, in which case the hearing shall be presided over by at least one (1) member of the Board assisted by a Legal or Hearing Officer of the Commission;

(t) Promulgate resolutions, orders and/or decisions on such administrative cases: *Provided*, That such resolutions, orders and/or decisions shall be subject to appeal within fifteen (15) days from receipt thereof with the Commission, which may affirm or reverse the same, dismiss the case, deny the appeal or remand the case to the

Board for further action or proceeding: *Provided, further*, That if after fifteen (15) days from the receipt of such decision no appeal is taken therefrom to the Commission, the same shall become final and immediately enforceable;

(u) Submit an annual action plan and corresponding report at the beginning and close of each fiscal year on the activities, proceedings and accomplishments of the Board for the year, incorporating therein any recommendation to the Commission; and

(v) Discharge such other powers and functions as the Board and the Commission may deem necessary for the practice of the profession and the upgrading, enhancement, development and growth of the Professional Electronics Engineer, Electronics Engineer and Electronics Technician professions in the Philippines. Except those in administrative cases, all resolutions embodying rules and regulations and other policies and measures issued and/or promulgated by the Board shall be subject to the review and approval by the Commission.

SEC. 8. *Qualifications of Board Members.* - The chairman and members of the Board must possess the following qualifications at the time of their appointment:

(a) Be a citizen and a resident of the Philippines for at least five (5) consecutive years prior to his/her appointment;

(b) Be of good moral character and integrity;

(c) Be a holder of a valid Certificate of Registration and a valid Professional Identification Card as a Professional Electronics Engineer, duly qualified to practice as a Professional Engineer in the Philippines;

(d) Be a member of good standing of the Accredited Professional Organization;

(e) Be in active practice of the electronics engineering profession for at least ten (10) years prior to his appointment, either in self-practice, or employment in government service and/or in the private sector;

(f) Must not have any pecuniary interest, directly or indirectly, in any school, academy, college, university or institution conferring an academic degree and/or certification/accreditation necessary for admission to the practice of Electronics Engineering and/or Electronics Technician or where review classes in preparation for the licensure examination are being offered or conducted nor shall he/she be a member of the faculty or of the administration thereof prior to taking his/her oath of office; and

(g) Must not have been convicted of an offense involving moral turpitude.

SEC. 9. *Term of Office.* - The members of the Board shall hold office for a term of three (3) years from date of appointment or until their successors shall have been appointed and qualified and may be re-appointed once for another term. Any

vacancy occurring within the term of a member shall be filled for the unexpired portion of the term only: *Provided*, That the member appointed to serve the unexpired term may be re-appointed more than once for as long as his/her continuous tenure shall not exceed six (6) years. Each member of the Board shall take the proper oath prior to the assumption of office.

SEC. 10. *Compensation and Allowances of the Board.* - The Chairman and members of the Board shall receive compensation and allowances comparable to that being received by the Chairman and members of existing regulatory boards under the Commission as provided for in the General Appropriations Act.

SEC. 11. *Removal of Board Members.* - The President of the Philippines, upon recommendation of the Commission, may suspend or remove any member of the Board for neglect of duty, incompetence, manipulation or rigging of the licensure examination results, disclosure of secret information or the examination questions prior to the conduct of the said examination, or tampering of the grades therein, for unprofessional or unethical conduct, or for any final judgment or conviction of any criminal offense by the Courts, after having given the member concerned an opportunity to be heard and/or to defend himself/herself in a proper administrative investigation.

SEC. 12. *Custodian of Board Records, Secretariat and Support Services.* - All records of the Board, including applications for examination, administrative cases involving Professional Electronics Engineers, Electronics Engineers and Electronics Technicians 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.

ARTICLE III EXAMINATION, REGISTRATION AND LICENSURE

SEC. 13. *Licensure Examination.* - Except as otherwise specifically provided in this Act, all applicants seeking to be registered and licensed as Electronics Engineers and Electronics Technicians, shall undergo the required examinations to be given by the Board in such places and dates as the Commission may designate in accordance with the provisions of Republic Act No. 8981.

SEC. 14. *Qualifications for Examinations.* - In order to be allowed to take the examination for Electronics Engineer or Electronics Technician, an applicant must, at the time of the filing of his/her application, establish to the satisfaction of the Board that:

(a) He/She is a citizen of the Philippines or of a foreign country qualified to take the examination as provided for in Section 33 of this Act;

(b) He/She is of good moral character and had not been convicted by a court of law of a criminal offense involving moral turpitude;

(c) For the Electronics Engineering examinations, he/she is a holder of a degree of Bachelor of Science in Electronics and Communications Engineering or Electronics Engineering, or subject to compliance with minimum requirements to be prescribed by the Board, such equivalent and/or related engineering course or program from any school, institute, college, or university recognized by the Government or the State where it is established, after completing a resident collegiate course equivalent to that of a full baccalaureate degree;

(d) For the Electronics Technician examinations:

(1) is a graduate of an Associate, Technician, Trade or Vocational course in electronics or, subject to the evaluation of the Board, such equivalent and/or related formal or non-formal course or program from any school, college, university or training institution recognized by the Government or the State where it is established, after completing a resident course or program of not less than two (2) years, or

(2) has completed at least the minimum third-year equivalent of a Bachelor of Science program in Electronics and Communications Engineering or Electronics Engineering program according to CHED guidelines, or, subject to the evaluation of the Board such equivalent and/or related engineering course or program from any school, institute, college or university recognized by the Government or State where it is established;

SEC. 15. *Scope of Examination for Electronics Engineers and Electronics Technicians.* - The examination for Electronics Engineers shall consist of written tests which shall cover subjects prescribed by the Board but including at least the following: Mathematics, Applied Sciences, Engineering Economics, Laws and Ethics, Electronics, Communications, Computers, and Information and Communications Technology.

The examinations for Electronics Technician shall consist of written and/or practical tests covering subjects to be prescribed by the Board and shall cover subjects specific to the practice of Electronics Technicians.

As urgent and important need arises so as to conform to technological and modern changes, the Board may re-cluster, rearrange, modify, add to or exclude any subject and prescribe the number of final examination/s per year after approval by the Commission. The PRC Board resolution thereon shall be officially published in the *Official Gazette* or major daily newspapers of general circulation and also circularized and disseminated to all colleges.

SEC. 16. *Ratings.* - To pass the licensure examination, a candidate for Electronics Engineer or Electronics Technician must obtain a passing rating of seventy percent (70%) in each subject given during the examination: *Provided, however,* That a candidate who obtains a passing rating in the majority of the subjects but obtains a rating in the other subject/s below seventy percent (70%) but not lower than sixty percent (60%), shall be allowed to take one removal examination on the subject/s where he/she failed to obtain the passing rating: *Provided, finally,* That

should the examinee fail to obtain a passing rating in the removal examination, he/she shall be considered as having failed the entire licensure examination.

SEC. 17. *Release of the Results of Examination.* - The Board and the Commission shall correct and rate the licensure examination papers and shall release the examination results within fifteen (15) days after the said examination.

SEC. 18. *Qualifications and Schedule of Registration for Professional Electronics Engineer.* - For application for registration as a Professional Electronics Engineer, the following shall be required:

(a) Valid Certificate of Registration and Professional Identification Card as Electronics Engineer;

(b) Valid/current membership identification card from the Accredited Professional Organization;

(c) Certified experience record of active self-practice and/or employment either in government service or in the private sector, in the format to be prescribed by the Board, indicating the inclusive dates, companies worked for, description of specific responsibilities, relevant accomplishments and name, position of immediate supervisors for a period of at least seven (7) years (inclusive and/or aggregate), at least two (2) years of which are in responsible charge of significant engineering work, from the date applicant took his/her oath as an Electronics and Communications Engineer or Electronics Engineer;

(d) Three (3) certifications signed by three (3) Professional Electronics Engineers attesting that the experience record submitted by the applicant is factual.

Applications for registration as Professional Electronics Engineer may be submitted anytime to the Commission. The Board shall then schedule an *en banc* oral interview of the applicant for the purpose of verifying, authenticating and assessing the submittals and establishing the competency of the applicant according to rules, regulations and competency standards to be formulated by the Board: *Provided*, That those who have been registered and licensed as Electronics and Communications Engineers under Republic Act No. 5734 for at least seven (7) years upon the effectivity of this Act need only to submit items (a), (b), and (c) above: *Provided, further*, That those who have been registered and licensed as Electronics and Communications Engineers under Republic Act No. 5734 for less than seven (7) years after the effectivity of this Act shall submit their certified experience records and certifications from three (3) Professional Electronics Engineers as in items (c) and (d) above, and submit to an *en banc* oral interview of the Board for competency assessment, upon passing of which he can be registered as a Professional Electronics Engineer.

SEC. 19. *Issuance of the Certificate of Registration and Professional Identification Card.* - A Certificate of Registration shall be issued to examinees who pass the Electronics Engineer and Electronics Technician licensure examination, to Electronics Engineers who are registered as Professional Electronics Engineers and to

Electronics Technicians who are registered without examination, subject to payment of fees prescribed by the Commission. The Certificate of Registration shall bear the signature of the Chairperson and Members of the Board, stamped with the official seal of the Commission and the Board, indicating that the person named therein is entitled to practice the profession with all the privileges appurtenant thereto, subject to compliance with all applicable requirements. The said certificate shall remain in full force and effect until withdrawn, suspended or revoked in accordance with this Act.

A Professional Identification Card bearing the registration number, date of registration, duly signed by the Chairperson of the Commission, shall likewise be issued to every registrant who has paid the prescribed fee. This identification card will serve as evidence that the holder thereof is duly registered with the Commission.

SEC. 20. *Registration without Examination for Electronics Technicians.* - Within five (5) years after the effectivity of this Act, the Board shall issue Certificates of Registration and Professional Identification Cards without examination to applicants for registration as Electronics Technicians who shall present evidence or other proof satisfactory to the Board that:

(a) He/She is a graduate of at least a two-year Associate, Technician, Trade or Vocational course in Electronics as certified by the TESDA, or that he/she has completed at least the minimum third-year equivalent of a Bachelor's Degree of Science in Electronics and Communications Engineering or Electronics Engineering program according to CHED guidelines, or, subject to the evaluation of the Board, an equivalent and/or related formal or non-formal course or program from any school, institute, college, university or training institution recognized by the Government or the State where it is established, and

(b) He/She has rendered at least seven (7) years (inclusive or aggregate) of active self-practice and/or employment either in the Government or private sector, indicating therein his/her specific duties and responsibilities, relevant accomplishments, the complete names and addresses of clients and companies or persons worked for, as well as the names and positions of immediate superiors.

The above submittals shall be accompanied by a certification from at least three (3) registered Professional Electronics Engineers vouching for the integrity, technical capability and good moral character of the applicant.

SEC. 21. *Non-issuance of a Certificate of Registration and/or Professional Identification Card for Certain Grounds.* - The Board and/or the Commission shall not register and shall not issue a Certificate of Registration and Professional Identification Card to any person convicted by a court of competent jurisdiction of any crime involving moral turpitude, to any person of immoral or dishonorable conduct and to any person of unsound mind, furnishing the party concerned a written statement containing the reasons for such action, which statement shall be incorporated in the records of the Board.

SEC. 22. *Professional Oath.* - All successful examinees and all those who have qualified for registration without examination shall be required to take a professional oath before any member of the Board or any person authorized by the Commission before he/she can be registered and issued a Certificate of Registration and Professional Identification Card, and as a prerequisite to practicing as a Professional Electronics Engineer, Electronics Engineer or Electronics Technician.

SEC. 23. *Revocation and Suspension of Certificate of Registration, Professional Identification Card and Cancellation of Special Permits.* - The Board shall, upon proper notice and hearing, revoke or suspend the validity of a Certificate of Registration and accordingly the Professional Identification Card, or cancel a Special Permit granted under Section 26 herein, for any of the causes mentioned in the preceding sections, or for unprofessional or unethical conduct, malpractice, incompetence or any violation of this Act and its implementing rules and regulations, the Code of Ethics and the Code of Technical Standards of Practice, or where fraud, deceit, or false statement was found to have been employed in obtaining said Certificate of Registration, Professional Identification Card or Special Permit.

SEC. 24. *Reinstatement, Re-issuance or Replacement of Certificate of Registration and Professional Identification Card.* - The Board may, two (2) years after the revocation of a Certificate of Registration and Professional Identification Card, upon application and for reasons deemed proper and sufficient, reinstate the validity of a revoked Certificate of Registration and Professional Identification Card, subject to compliance with the applicable requirements of the Commission, and the Board: *Provided*, That he/she did not commit any illegal practice of the profession or any violation of this Act, its rules, codes and policies during the time that his/her Certificate of Registration and Professional Identification Card was revoked.

A new Certificate of Registration or Professional Identification Card to replace lost, destroyed, or mutilated certificate or registration card may be issued, subject to the rules promulgated by the Board and the Commission, upon payment of the required fees.

SEC. 25. *Roster of Professional Electronics Engineers, Electronics Engineers and Electronics Technicians.* - The Board shall prepare and maintain a roster of the names, residence and/or office address of all registered Professional Electronics Engineers, Electronics Engineers and Electronics Technicians, which shall be updated annually in cooperation with the Accredited Professional Organization, indicating therein the status of the Certificate of Registration, Professional Identification Card and membership in the Accredited Professional Organization of the professional, whether valid, inactive due to death or other reasons, delinquent, suspended or revoked. The said roster shall be conspicuously posted within the premises of the Commission and the information therefrom made available to the public upon inquiry or request.

SEC. 26. *Exemptions from Examination and Registration.* - No examination and registration shall be required for foreign Professional Electronics Engineers, Electronics Engineers or Electronics Technicians who are temporarily employed by

the Philippine Government or by private firms in the Philippines in the following cases:

(a) Where no qualified equivalent Filipino professional is available for the specific item of work to be rendered, as attested to by the Accredited Professional Organization;

(b) Where the conditions of the scope and funding for the work or project are such that it stipulates the temporary employment of a foreign professional;

(c) As defined in the General Agreement on Trade in Services, the ASEAN and APEC Engineer Registry programs and other similar international treaties, agreements and/or covenants to which the Philippine Government is a signatory and has ratified: *Provided, however, That:*

(1) The said foreign professional is legally qualified to practice his/her profession in his/her own country in which the requirements for licensing and registration are not lower than those specified in this Act;

(2) The work to be performed by said foreign professional shall be limited only to the particular work or project for which he/she was specifically contracted;

(3) Prior to commencing the work, the foreign professional shall secure a Special Permit from the Board, which shall be subject to the approval of the Commission; *Provided, That* no working visa and/or permit shall be issued by concerned government agencies unless such Special Permit has been granted first;

(4) The same foreign professional shall not engage in private practice on his/her own account;

(5) For every foreign professional contracted for the work or project, at least two (2) corresponding Filipino professionals who are registered under this Act shall be employed as counterparts by the Philippine Government or the private firm utilizing the services of such foreign professional for at least the same duration of time as the foreigner's tenure of work; and

(6) The Special Permit herein granted shall be valid only for a period of not more than six (6) months and renewable every six (6) months thereafter subject to the discretion of the Board and the approval of the Commission: *Provided, That* said permit shall cease to be valid if the foreigner terminates his/her employment in the work or project for which said permit was originally granted and thereafter engages in an occupation that requires another Special Permit or registration under this Act.

ARTICLE IV

PRACTICE OF PROFESSIONAL ELECTRONICS ENGINEERING, ELECTRONICS ENGINEERING AND ELECTRONICS TECHNICIANS

SEC. 27. *Practice of the Profession.* - No person shall offer himself/herself in the Philippines as, or use the title "Professional Electronics Engineer", "Electronics

Engineer" or "Electronics Technician", as defined in this Act, or use any word, letter figure, or sign whatsoever, tending to convey the impression that he/she is a Professional Electronics Engineer, Electronics Engineer or Electronics Technician, or advertise that he/she is qualified to perform the work of a Professional Electronics Engineer, Electronics Engineer or Electronics Technician, without holding a valid Certificate of Registration and a valid Professional Identification Card in accordance with this Act, except as provided under Section 26 hereof.

SEC. 28. *Prohibitions and Limitations on the Practice of Electronics Engineering and Electronics Technician Profession.* - Unless otherwise prescribed by any supervening law, the practice of electronics engineering and electronics technician shall be a professional service, admission to which must be determined on the basis of the individual's personal qualifications. Hence, no firm, company, partnership, association or corporation may be registered or licensed as such for the practice of electronics engineering and electronics technician. However, persons properly registered and licensed as Professional Electronics Engineers, Electronics Engineers or Electronics Technicians may, among themselves or with any other allied professionals, form a partnership or association or corporation and collectively render services as such: *Provided*, That individual members of such partnerships or associations or corporations shall be responsible for their own respective acts.

SEC. 29. *Seal of the Professional Electronics Engineers.* - All licensed Professional Electronics Engineers shall obtain and use a seal of a design prescribed by the Board bearing the registrant's name, registration number and title. Plans, drawings, permit applications, specifications, reports and other technical documents prepared by and/or executed under the supervision of, and issued by the Professional Electronics Engineer shall be stamped on every sheet/page with said seal, indicating therein his/her current Professional Tax Receipt (PTR) number, date/place of payment and current membership number in the Accredited Professional Organization, when filed with government authorities or when used professionally.

SEC. 30. *Code of Ethics and Code of Technical Standards of Practice.* - The Board shall adopt a Code of Ethics and the Code of Technical Standards of Practice for Electronics Engineers and Electronics Technicians, which shall be promulgated by the Accredited Professional Organization.

ARTICLE V SUNDRY PROVISIONS

SEC. 31. *Continuing Professional Education (CPE) and/or Development Programs.* - All registered Professional Electronics Engineers, Electronics Engineers, and Electronics Technicians, shall comply with pertinent rules and regulations already prescribed by and/or as may be prescribed and promulgated by the Commission and/or the Board, the Accredited Professional Organization and other government agencies, pursuant to this Act and other relevant laws, international treaties, agreements and/or covenants to which the Philippines is a signatory and has ratified, with respect to continuing professional education and/or development and/or other similar/related programs.

SEC. 32. *Integrated and Accredited Professional Organization.* - There shall be one (1) integrated and Accredited Professional Organization of Professional Electronics Engineers, Electronics Engineers and Electronics Technicians in the country, which shall be registered with the Securities and Exchange Commission as a non-stock, non-profit corporation and recognized by the Board, the Commission and all government agencies as the one and only integrated and accredited national organization for the said professionals. Every Professional Electronics Engineer, Electronics Engineer and Electronics Technician, upon registration with the Commission as such, shall *ipso facto* become a member of this Accredited Professional Organization. Those who have been previously registered by the Board but are not members of this Accredited Professional Organization at the time of effectivity of this Act, shall be allowed to register as members of this organization within three (3) years after the effectivity of this Act. Membership in this Accredited Professional Organization shall not be a bar to membership in other associations of the electronics engineering and electronics technician professions.

The Accredited Professional Organization shall implement the continuing professional education, accredit other organizations or entities to provide continuing professional education, and/or development program promulgated by the Board and/or the Commission, compliance with which shall be one of the requisites for the maintenance of membership in good standing of the professional in the Accredited Professional Organization. All members of good standing of this Accredited Professional Organization shall be issued an annual membership card indicating the membership number and validity period of the membership, which shall be affixed to all plans, specifications and any document signed by the member in the course of practice of his/her profession. Failure to maintain membership in good standing in the Accredited Professional Organization shall be a cause for listing of the individual as delinquent in the roster of professionals.

SEC. 33. *Foreign Reciprocity.* - No foreigner shall be admitted for registration as Professional Electronics Engineer, Electronics Engineer or Electronics Technician with or without examination under this Act unless he/she proves in the manner as provided by the Board that, by specific provisions of law, the country, state or province of which he/she is a citizen, subject or national, or in accordance with international treaties, agreements and/or covenants to which their country, state or province is a signatory, admits Filipino citizens to practice as Professional Electronics Engineer, Electronics Engineer or Electronics Technician after an examination or registration process on terms of strict and absolute equality with the citizens, subjects or nationals of said country, including the unconditional recognition of professional licenses issued by the Board and/or the Commission and prerequisite degrees/diplomas issued by institutions of learning duly recognized by the government of the Philippines.

Sec. 34. *Positions in Government Requiring the Services of Registered and Licensed Professional Electronics Engineers, Electronics Engineers and Electronics Technicians.* - Within three (3) years from the effectivity of this Act, all existing and proposed positions in the local and national government, whether career, permanent, temporary or contractual and primarily requiring the services of Professional Electronics Engineers, Electronics Engineers or Electronics Technicians shall

accordingly be filled only by registered and licensed Professional Electronics Engineers, Electronics Engineers or Electronics Technicians.

ARTICLE VI
PENAL PROVISION AND ASSISTANCE OF
LAW ENFORCEMENT AGENCIES

SEC. 35. *Penal Provision.* - The following shall be punished by a fine of not less than One hundred thousand pesos (P100,000.00) nor more than One million pesos (P1,000,000.00), or by imprisonment of not less than six (6) months nor more than six (6) years, or both, in the discretion of the court:

(a) Any person who shall give any false or fraudulent statement to the Board to obtain a Certificate of Registration and/or Professional Identification Card as Professional Electronics Engineer, Electronics Engineer or Electronics Technician;

(b) Any person who shall present or use as his/her own a Certificate of Registration, Professional Identification Card, membership identification card in the Accredited Professional Organization and/or seal issued to another and any person who allows the use of his/her Certificate of Registration, Professional Identification Card, membership card in the Accredited Professional Organization and/or seal;

(c) Any person who shall present or use a revoked or suspended Certificate of Registration as Professional Electronics Engineer, Electronics Engineer or Electronics Technician;

(d) Any person who shall assume, use, advertise or otherwise practice as Professional Electronics Engineer, Electronics Engineer or Electronics Technician, or append to his/her name, any letter/s or words tending to convey the impression that he/she is a registered Professional Electronics Engineer, Electronics Engineer or Electronics Technician, when in fact he/she is not duly registered with the Board as such;

(e) Any Professional Electronics Engineer, or any person on his/her behalf, who shall stamp or seal any document with his/her seal as such after his/her Certificate of Registration, Professional Identification Card and membership card in the Accredited Professional Organization has been revoked or suspended or after he/she has been suspended from practice or removed from the roster of Professional Electronics Engineer, Electronics Engineers or Electronics Technicians;

(f) Any Professional Electronics Engineer who shall sign his/her name, affix his/her seal, or use any other method of signature on plans, technical descriptions or other documents prepared by or under the supervision of another Professional Electronics Engineer, unless the same is prepared in such manner as to clearly indicate the part of such work actually performed by the former;

(g) Any person, except the Professional Electronics Engineer or Electronics Engineer in-charge, who shall sign for any electronics engineering work, or any function of electronics engineering practice, not actually performed by him/her;

(h) Any person holding a Certificate of Registration and Professional Identification Card as Professional Electronics Engineer, Electronics Engineer or Electronics Technician who shall be involved in illegal wire-tapping, cloning, hacking, cracking, piracy and/or other forms of unauthorized and malicious electronic eavesdropping and/or the use of any electronic devices in violation of the privacy of another or in disregard of the privilege of private communications and/or safety to life, physical and/or intellectual property of others, or who shall maintain an unlicensed and/or unregistered communications system or device; and

(i) Any person who shall violate any provision of this Act or any rules, regulations, the Code of Ethics and the Code of Technical Standards of Practice promulgated under this Act.

SEC. 36. *Assistance of Law Enforcement and Other Government Agencies.* - Any law enforcement agency shall, upon call or request of the Board and/or the Commission, render assistance in enforcing this Act including the Code of Ethics, Code of Technical Standards of Practice and the implementing rules and regulations and measures promulgated hereunder, by prosecuting violators thereof in accordance with law and the Rules of Court.

Any department, instrumentality, office, bureau, institution or agency of the government including local governments, upon call or request from the Board and/or the Commission, shall render such assistance as it may require, cooperate and coordinate with it in carrying out, enforcing or implementing this Act, the codes, policies, measures, programs or activities of the Board and/or the Commission that it may undertake pursuant to the provisions of this Act.

ARTICLE VII TRANSITORY PROVISIONS

SEC. 37. *Transitory Provision* - Upon effectivity of this Act, the incumbent Board of Electronics and Communications Engineering shall complete all pending/unfinished works within a six (6)-month period, after which it shall cease to exist. The President of the Philippines shall before then appoint the Chairman and members of the first Board of Electronics Engineering in accordance with Sections 6 and 8 herein, who shall formulate and thereafter promulgate the rules and regulations for the implementation of this Act.

SEC. 38. *Vested Rights: Electronics and Communications Engineers when this Law is Passed.* - Electronics and Communications Engineers holding a valid Certificate of Registration and Professional Identification Card at the time of effectivity of this Act shall be automatically registered and recognized as Electronics Engineers and shall be issued a new Certificate of Registration and Professional Identification Card as Electronics Engineers with the same license number as their original Electronics and Communications Engineer Certificate of Registration, subject to the payment of prescribed fees and other requirements of the Board and/or Commission.

ARTICLE VIII
FINAL PROVISION

SEC. 39. *Implementing Rules and Regulations.* - Subject to the approval of the Commission, the Board, in coordination with the accredited professional organization, shall adopt and promulgate such rules, regulations, resolutions, the Code of Ethics and the Code of Technical Standards of Practice for Professional Electronics Engineers, Electronics Engineers and Electronics Technicians to carry out the provisions of this Act, which shall be published in the *Official Gazette* or a newspaper of general circulation and shall be effective fifteen (15) days after publication therein.

SEC. 40. *Appropriations.* - The Chairperson of the Professional Regulation Commission shall include in the Commission's program the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 41. *Separability Clause.* - If any provisions of this Act or any portion hereof is declared unconstitutional by any competent court, the other provisions hereof shall not be affected thereby.

SEC. 42. *Repealing Clause.* - Republic Act No. 5734 is hereby repealed. All other laws, executive orders, rules and regulations or parts thereof in conflict with the provisions of this Act are hereby repealed or amended accordingly.

SEC. 43. *Effectivity.* - This Act shall take effect fifteen (15) days following its full publication in the *Official Gazette* or any newspaper of general circulation.

Approved.

FRANKLIN M. DRILLON
President of the Senate

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

This act which is a consolidation of House Bill No. 5224 and Senate Bill No. 2683 was finally passed by the House of Representatives and the Senate on February 2, 2004.

OSCAR G. YABES
Secretary of the Senate

ROBERTO P. NAZARENO
*Secretary General
House of Representatives*

Approved: April 17, 2004

GLORIA MACAPAGAL-ARROYO
President of the Philippines