

Republic Act No. 4565

An Act to Regulate the Practice of Naval Architecture and Marine Engineering in the Philippines

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

Article I TITLE OF THE ACT AND DEFINITION OF TERMS

Section 1. This Act shall be known as -The Naval Architecture and Marine Engineering Law

Section 2. *Definition of Terms.*- The practice of naval architecture and marine engineering within the meaning and intent of this Act shall embrace services in the form of plans, specifications, estimates, or supervision of the construction, alteration, or structural survey of any floating vessel or equipment, self-propelled or otherwise; plans or layouts, specifications, estimates or supervision of the installation of marine power plants and associated equipment including screw propeller, paddle wheel and Voith- Schneider propeller, or any other means of transmitting power from the main propulsion engine(s) to the buoyant fluid, marine auxiliaries, including refrigeration, air conditioning, ventilation, and heating plants and equipment and hull machineries; management, maintenance or operation of any shipyard, graving dock marine slipways, and any facility for the salvage, repair or maintenance of floating vessels or equipments. The enumeration of any work in this section shall not be construed as excluding any other work requiring naval architecture and marine engineering knowledge and application.

Article II BOARD OF EXAMINERS FOR NAVAL ARCHITECTS AND MARINE ENGINEERS

Section 3. *Composition of the Board.*- Within thirty days after the approval of this Act, there shall be created a Board of Examiners for Naval Architects and Marine Engineers, ¹ hereinafter referred to as the Board, to be composed of a chairman and two other members who shall be appointed by the President² of the Philippines, with the consent of the Commission on Appointments.³ The members of the Board shall hold office for a term of three years after their appointment or until their successors shall have been appointed and shall have duly qualified: *Provided*, That the first appointee to the Board, one shall serve for one year and shall serve as member for the first year then automatically be the Chairman; one for two years and shall serve as member for the first year then automatically be the Chairman the second year; and one for three years, and shall serve as member for the first two years and automatically be the Chairman the third year. Thereafter, chairmanship shall be by seniority membership in the Board, serving first as member the first two years then as Chairman the third year. No appointee may serve for more than three years. Each member of the Board shall qualify by taking the proper oath of office before entering upon the performance of his duties. Any member of the board may be removed by the President⁴ for neglect of duty, incompetence, malpractice or unprofessional, unethical, immoral or dishonorable conduct, after having been given the opportunity to defend himself in a proper administrative investigation. During the investigation, the President⁵ shall have the power to suspend the member under investigation and shall appoint a temporary member in his place. Vacancies in the Board shall be filled for the un expired term only.

Section 4. *Powers and Duties of the Board.*- The Board is vested with authority, conformably with the provisions of this Act, to administer oaths, issue, suspend and/or revoke certificate of registration for the practice of naval architecture and marine engineering; investigate such violations of this Act and the regulations thereunder as may come to the knowledge of the Board and, for this purpose, issue *subpoena* and *subpoena duces tecum* to secure the appearance of witnesses and the production of such books, papers, documents, records, and any or all pertinent data as may be necessary in connection with the charges presented to the Board. Any member of the Board may administer oaths of witnesses appearing before the Board. If any person shall refuse to obey any subpoena so issued or to testify or produce any books, papers, documents, records, and any or all pertinent data, the Board may present a petition to a court of First Instance, and thereupon such court shall issue its subpoena to such person requiring his attendance before such court and then and there to testify or to produce such books, papers, documents, records and any or all pertinent data as may be deemed necessary and pertinent to the Board. Any person failing or refusing to obey the subpoena or order of the said court may be proceeded against in the same manner as for refusing to obey any other subpoena or order of the said court.

The Board shall study the conditions in all parts of the Philippines affecting the practice of naval architecture and marine engineering and exercise such other powers and duties as may be necessary for the maintenance of good ethics and standards in the practice of naval architecture and marine engineering and for

the protection of public welfare, life health, and property. For the purpose of this Act, the Director of Public Works and the Commissioner of Customs and/or their authorized representatives in the provinces and chartered cities shall be ex-officio agents of the board and as such it shall be their duty to enforce the provisions of this Act. The Board may, with the approval of the President, issue such rules and regulations as may be deemed necessary to carry out the provisions of this Act. The Board shall also adopt a code of ethics for the practice of naval architecture and marine engineering and have an official seal to authenticate its official documents.

Section 5. *Qualifications of Board Members.*- Each member of the Board shall at the time of his appointment:

- a. Be a citizen and resident of the Philippines;
- b. Be at least thirty years of age and of good moral character;
- c. Be a graduate of naval architecture and marine engineering, with a bachelor of science degree, from a recognized and legally constituted school, college, institute or university;
- d. Be a registered naval architecture and marine engineer duly qualified to practice naval architecture and marine engineering in the Philippines: Provided, That this requirement shall not apply to the first appointees to the Board;
- e. Have practiced naval architecture and marine engineering with a certificate as such for a period of not less than ten (10) years prior to his appointment: Provided, further, That the practice of naval architecture and marine engineering with a certificate shall not apply to the first appointees to the Board;
- f. Neither be a faculty member of any school, college, institute or university where naval architecture and marine engineering is taught; not have a pecuniary interest in any such institution; and
- g. Not be a former member of the faculty of any school, college, institute or university where naval architecture and marine engineering is taught; unless he had stopped teaching therein for at least three consecutive years prior to his appointment.

Section 6. *Executive Officer of the Board.* The Commissioner of Civil Service shall be the executive officer of the Board and shall conduct the examinations to be given by the Board. He shall designate any subordinate officer of the Civil Service Commission to act as Secretary of the Board and custodian of all records and minute of the meetings of the Board, including all examination papers.

Section 7. *Fees and Compensation of the Board.*- The Board shall charge each applicant for examination fifty pesos, payable to the collecting and disbursing officer of the Civil Service Commission upon filing of his application; and for each certificate of registration, twenty pesos. Each member of the Board shall receive a compensation of ten pesos for each applicant examined. A naval architecture and marine engineer in the service of the Government of the Philippines appointed member of the Board shall receive the compensation herein provided, in addition to his salary in the Government. All authorized expenses of the Board, including the compensation provided herein, shall be paid by the collecting and disbursing officer of the Civil Service Commission out of such appropriation as may be provided for the purpose.

Section 8. *Annual Report.*- The Board shall, at the end of each fiscal year, submit to the President a report of its activities and meetings during the fiscal year just ended.

Article III EXAMINATION AND REGISTRATION

Section 9. *Registration Required.* Unless herein exempted from registration, no person shall practice or offer to practice naval architecture and marine engineering in the Philippines without valid certificate of registration as naval architecture and marine engineer issued by the Board.

Section 10. *Examination Required.*- Every applicant for registration as naval architecture and marine engineer shall be required to pass a technological examination hereinafter provided, unless otherwise exempted by specific provisions of this Act.

Section 11. *Qualification for Examination.*- Any person applying for admission to the naval architecture and marine engineering examination shall establish to the satisfaction of the Board that he has the following qualifications:

- a. Be at least twenty-one years of age;
- b. Be a citizen of the Philippines;
- c. Be of good reputation and of good moral character; and
- d. Be a holder of the degree of bachelor of science in naval architecture and marine engineering from a school, college, institute or university recognized by the Government of the Republic of the Philippines; or, in the case of a school, college, institute or university established in a foreign country by the Government of such country.

Section 12. *Holding of Examination.*- Examination of candidates desiring to practice naval architecture and marine engineering in the Philippines shall be given in the City of Manila once a year beginning with the first Monday of June: Provided, however, That time interval between the date of affectivity of this Act and the first examination period be not less than six months, otherwise, the first examination period shall be held in the next succeeding June.

Section 13. *Subjects of Examination.*- Applicants for certificate of registration as naval architecture and marine engineer shall be examined on the following subjects: Mathematics, theoretical and applied mechanics, naval architecture, marine engineering and such other pertinent subjects as the Board may deem necessary.

Section 14. *Report of Ratings.*- The Board shall, within ninety working days after the last day of examination, report the ratings obtained by each candidate to the Commissioner of Civil Service,¹² who shall submit within thirty days such ratings to the President for approval. All ratings shall be released at least thirty days before the next examination period.

Section 15. *Reexamination.*- An applicant for examination who for the second time fails to pass the examination shall not be allowed to take another examination until a least one year has passed after his last unsuccessful examination.

Section 16. *Issuance of Registration Certificates, Oath of Naval Architecture and Marine Engineer.*- All successful candidates in the examination shall each be issued a certificate of registration upon payment of the required fee. The certificate of registration shall show the full name of the registrant, shall have a serial number, shall be signed by all the members of the Board and the Commissioner of Civil Service,¹³ and shall be attested to by the Secretary and shall bear the official seal of the Board. The issuance of a certificate of registration by the Board¹⁴ under this Act shall be evidence that the person named therein is entitled to all the rights, and privileges of a registered naval architecture and marine engineer while said certificate remains un revoked or unsuspended. All registered naval architecture and marine engineers shall be required to take a professional oath before the Board or other government officials authorized to administer oaths, prior to entering upon the practice of naval architecture and marine engineering.

Section 17. *Registration as Naval Architecture and Marine Engineer Without Examination.*- Holders of the Degree of bachelor of science in naval architecture and marine engineering on the date of approval of this Act who have a specific record of two years or more of active and satisfactory practice after graduation in naval architecture and marine engineering, may be registered under this Act if, within one year from the date of its approval, they file applications for registration as naval architects and marine engineers and present evidence satisfactory to the Board showing such facts. The teaching of naval architecture and marine engineering in a recognized school, college, institute or university shall, for the purposes of this section, be considered as active practice of naval architecture and marine engineering.

Section 18. *Exemption from Registration.*- (a) Registration shall not be required of the following:

1. Officers and enlisted men or civilian employees of foreign governments stationed in the Philippines while rendering naval architecture and marine engineering services to their respective government; and
2. Naval architects and marine engineers from other countries called in for consultation or for specific design, construction or project, provided that their practice shall be limited to such work.
3. Any person residing in the Philippines may make plans or specifications for any boat, dugout, canoe or other floating vessel made of wood, or of ferrous, non-ferrous or plastic material, five gross tons or less, for pleasure or business purposes; and may construct for himself, either personally or otherwise, any such boat, dugout, canoe or other floating vessel, without utilizing the services of a registered naval architect and marine engineer as long as these do not exceed five gross tons.
4. Nothing in this Act shall be construed to prevent draftsmen, apprentices and subordinates of or other persons undergoing training under those lawfully engaged in the practice of naval architecture and marine engineering from performing any of the acts constituting such practice under the instruction, control and supervision of their employment.

Section 19. *Refusal to Issue Certificate.*- The Board¹⁵ shall refuse to issue certificate of registration to any person convicted by a court of competent jurisdiction of any criminal offense involving moral turpitude, or to any person guilty of unprofessional, unethical, immoral or dishonorable conduct, or to any person of unsound mind. In the event of refusal to issue a certificate as herein provided, the Board¹⁶ shall give the applicant a written statement setting forth its reason for such action, which statement shall be incorporated in the records of the Board.

Section 20. *Suspension and Revocation of Certificates.* - Subject to the approval of the President,¹⁸ the Board¹⁹ shall have the power, after proper notice, to suspend or revoke the certificate of registration for any of the causes mentioned in the preceding section or for the use or perpetration of any fraud or deceit in obtaining such certificate, or for gross negligence or incompetence.

Section 21. *Re-issue and Replacement of Certificate.*- The Board,²⁰ after the expiration of one year from the date a certificate of registration is revoked and for reasons it may deem sufficient, may entertain an

application for a new certificate from the registrant concerned, and in so doing the Board²¹ may, at its discretion, exempt the applicant from taking the required examination. A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued, subject to the rules of the Board, upon payment of ten pesos.

Section 22. *Seal and Use of Seal.*- All registered naval architects and marine engineers shall obtain dry seal of a design prescribed by the Board, bearing the registrants name, the number of his registration certificate, and the legends -Registered Naval Architect and Marine Engineer-. Plans, specifications, reports and other professional documents prepared by or executed under the immediate supervision of, and issued by, a registered naval architect and marine engineer shall be stamped on every sheet with said seal when filed with government authorities, or when submitted or used professionally during the life of the registrant's certificate: *Provided*, That it shall be unlawful for anyone to stamp or seal any document with said seal after the certificate of the registrant named therein has expired or has been revoked or suspended, unless said certificate shall have been renewed, re-issued or reinstated.

Article IV PENAL PROVISIONS

Section 23. *Penal Provisions.*- Any person who shall practice naval architecture and marine engineering in the Philippines without being registered or exempted from registration in accordance with the provisions of this Act; or any person who shall use or attempt to use as his own the certificate of registration or seal of a registered naval architect and marine engineer; or any person who shall give any false or forged evidence of any kind to the Board or to any member thereof in obtaining a certificate of registration; or any person who shall impersonate any registered naval architect and marine engineer of like or different name; or any person who shall attempt to use a revoked or suspended certificate of registration; or any person who shall use in connection with his name; or otherwise assume, use or advertise any title or description tending to convey the impression that he is a naval architect and marine engineer, without holding a valid certificate of registration as such; or any person who shall violate any of the provisions of this Act, shall be punished by a fine of not less than five hundred pesos nor more than two thousand pesos, or imprisonment for not less than three months nor more than one year, or both, in the discretion of the court.

Article V MISCELLANEOUS PROVISIONS

Section 24. *Preparation Plans and Supervision of Construction by Registered Naval Architects and Marine Engineers.* - Except as otherwise provided in subsection (b) of Section Eighteen hereof, it shall be unlawful for any person to order or otherwise cause the construction, conversion, or alteration of any floating vessel or equipment unless the design, plans and specifications of the same have been prepared under the responsible charge of, and signed and sealed by a registered naval architect and marine engineer, and unless the construction, conversion or alteration thereof is executed under the responsible charge and direct supervision of a registered naval architect and marine engineer. Plans and designs must be approved by a registered naval architect and marine engineer as prescribed by the rules and regulations issued by the Bureau of Customs:²³ *Provided, however*, That the incumbent official or employee who signs and approves said plans and designs may continue to act upon the same until such time as the said incumbent official employee retires or resigns from his office, or position, in which case a registered naval architect and marine engineer shall be appointed to fill the vacant position.

Section 25. *Admeasurement and Inspection of Hull and Main and Auxiliary Machineries.* The admeasurement and calculation of gross and net tonnages of vessels of more than five gross tons for the assessment of anchorage, wharfage berthing, pilotage, dry docking, Panama Canal or Suez Canal dues, the inspection of a vessels hull and main and auxiliary machineries shall be done by or under the responsible charge of naval architects and marine engineers: *Provided, however*, That the incumbent official or employees presently performing the admeasurement and calculations of gross net tonnages, and the inspection of the hull and main and auxiliary machineries may continue to perform their respective official duties until such time as they are retired or resigned from their offices or positions, in which case registered naval architects and marine engineers shall be appointed to fill the vacant positions or offices.

Section 26. *Firms and corporations engaged in the practice of naval architecture and marine engineering.*- A firm, partnership, corporation or association may engage in the practice of naval architecture and marine engineering in the Philippines provided that such practice is carried out under the supervision of a naval architect and marine engineer or naval architects and marine engineers holding valid certificates of registration issued by the Board. No firm, partnership, corporation or association using the name or names of a person or persons as its name or part thereof shall advertise as naval architects and marine engineers unless said person or persons are registered under the provisions of this Act.

Section 27. *Foreign Reciprocity.*- A person who is not a citizen of the Philippines at the time he applies for the examination may be allowed to take such examination if he can prove in a manner provided by the rules of Court that, by specific provision of law, the country of which he is a citizen, subject or national, either admits

citizens of the Philippines to the practice of naval architecture and marine engineering without restriction or allow them to practice the profession after an examination on terms of strict and absolute equality with citizens, subjects or nationals of said country, including the unconditional recognition of degrees issued by institutions of learning duly recognized for the purpose by the Government of the Philippines.

Section 28. *Roster of Naval Architects and Marine Engineers.* A roster showing the names and places of business of all registered naval architects and marine engineers shall be prepared by the Commissioner of Civil Service²⁴ at least once a year. Copies of this roster shall be furnished to the President,²⁵ Secretary of Public Works and Communications,²⁶ Director of Public Works, Commissioner of Customs,²⁷ Collector of Customs, and such bureaus, government entities or agencies, and city, provincial and municipal authorities as may be deemed necessary, and to the public upon request.

Section 29. *Repealing clause.*- All laws, orders, ordinances or regulations, or parts thereof inconsistent with the provisions of this Act are repealed.

Section 30. *Separability clause.*- If any provision of this Act or the application of such provision to any person or circumstance is declared unconstitutional, the remainder of the Act or the application of such provision to other persons or circumstances shall be affected by such declaration.

Section 31. *Effectivity.* This Act shall take effect upon its approval.