

# **REPUBLIC ACT NO. 5734**

## **REPUBLIC ACT NO. 5734 - THE ELECTRONICS AND COMMUNICATIONS ENGINEERING ACT OF THE PHILIPPINES**

**SECTION 1. Title of Act. — This Act shall be known and cited as the "Electronics and Communications Engineering Law of the Philippines."**

**SECTION 2. Practice of Electronics and Communications Engineering. — (a) No person shall offer himself in the Philippines as, or use the title "Electronics and/or Communications Engineer" or any word, letter, figure, or sign whatsoever, tending to convey the impression that he is an electronics and/or communications engineer, or advertise or indicate in any manner that he is qualified to perform the work of an electronics and communications engineer without holding a valid certificate of registration as electronics and communications engineer issued by the Board in accordance with this Act, except as provided under Section eleven hereof.**

**(b) It shall be unlawful for any firm, company, or corporation, to offer itself to the public as electronics and communications engineer without the certification, supervision and/or guidance a duly registered electronics and communications engineer.**

**SECTION 3. Registration — Certificates of Registration. — A certificate of registration for electronics and communications engineer shall be issued to any applicant who passes the examination hereinafter provided upon payment of the required fees: Provided, That, the first Board may issue within a period not exceeding two years from the composition of the said Board, a certificate of registration as electronics and communications engineer, without the necessary of undergoing the examination herein prescribed to its members and to any applicant who, with his application for registration as electronics and communications engineer, shall present evidence or other proof satisfactory to the Board showing (a) that he has a specific record of at least ten years of active practice in electronics and/or communications engineering, (b) that he is of a responsible character indicating that he may be entrusted to perform or render professional electronics and/or communications engineering service as defined in this Act, and (c) who is a bona fide member of any officially registered association of electronics and communications engineers in the Philippines.**

**Every certificate of registration shall show the full name of the registrant with a serial number, and shall be signed by the members of the Board, attested to by the Secretary of the Board of Examiners and duly authenticated by the official seal of the Board.**

**The certificate of registration issued by the Board to the registrant shall be evidence that the person named therein is entitled to the rights and privileges of a registered electronics and communications engineer while said certificate remains in force or unrevoked.**

**SECTION 4. Board Examination.** — Except as otherwise specially provided herein, all applicants for registration as electronics and communications engineer shall undergo the required technical examination in accordance with this Act.

**SECTION 5. Pre-qualifications for Examination.** — In order to be admitted to the electronics and communications engineering examination, an applicant must, at time of the filing of his application therefor, establish to the satisfaction of the Board that:

- (a) He is at least twenty-one years of age;
- (b) He is a citizen of the Philippines or of a foreign country qualified to take the examination under Section twenty-three of this Act;
- (c) He is of good moral character;
- (d) He is a holder of the degree of Bachelor of Science in Electronics and Communications Engineering, or such equivalent engineering course from any school, institute, college, or university recognized by the Government or the State where it is established, after completing a resident collegiate course of not less than four years: Provided, That within three years after the approval of this Act, holders of a certificate of Associate in Electronics and Communications Engineering or any allied engineering course or holder of a valid first class radiotelegraphy or radiotelephony commercial operator license with at least five years active practice in electronics, communications, or allied fields shall be qualified to take the electronics and communications engineering examination.

**SECTION 6. Schedule of Examination.** — Examinations for candidates desiring to practice electronics and communications engineering in the Philippines shall be given by the Board twice a year in the City of Manila or in such other places as may be deemed necessary and expedient by the Board.

**SECTION 7. Scope of Examination.** — The examination for the practice of electronics and communications engineering in the Philippines shall consist of written tests which shall cover such subjects as the Board may prescribe.

**SECTION 8. Rating in the Examination.** — To pass the examination, a candidate must obtain an average of seventy per cent, with no rating below fifty per cent in any subject: Provided, That an applicant who fails to obtain a passing average but who obtained at least seventy per cent in each of at least one-half of the total subjects given in the examination, may be permitted to take within two years from the date of his examination, another examination on the subjects in which he obtained a grade below seventy per cent. Should the examinee fail in the set of subject repeated in the second examination, he shall be required to take all the subjects in the next examination.

**SECTION 9. Report of Rules of Examination.** — Within ninety days after the examination, the Board shall report the result thereof to the Commissioner of Civil Service, who shall act thereon within thirty days from receipt thereof.

**SECTION 10. Fees for Examination and Registration.** — Every applicant for examination for electronics and communications engineering shall pay an examination fee of forty-five pesos and a registration fee of ten

pesos.

Every applicant for registration without examination shall pay a fee of fifty-five pesos.

The fee for a duplicate certificate shall be ten pesos.

All fees shall be paid to the disbursing officer designated by the Board and such officer shall pay from the receipt, thereof all the authorized expenses of the Board, including the compensation of each member.

**SECTION 11. Roster of Electronics and Communications Engineers.** — A roster showing the names, the addresses and places of business of all registered electronics and communications engineer shall be prepared by the Secretary of the Board during the month of July every year, commencing one year after the date the first Board has been constituted. Copies of this roster shall be mailed to each person so registered, and the Secretary of Labor with copies furnished to all department heads, to the mayors of all chartered cities, to the Radio Control Office, to the Public Service Commissioner, to the Collector of Customs, to the Commissioner of Immigration and to such other bureaus or government agencies and provincial, city, and municipal authorities as may be deemed necessary and to the public upon request.

**SECTION 12. Creation and Composition of the Board.** — There is hereby created a Board of Examiners for Electronics and Communications Engineers, hereinafter referred to as the Board. It shall be composed of a chairman and two members, all to be appointed by the President of the Philippines, with the consent of the Commission of Appointments, from among the registered practicing electronics and communications engineers of recognized standing in the Philippines as certified to by any officially registered association of electronics and communications engineers in the Philippines who possess the qualifications prescribed in this Act. The members of the first Board shall be appointed within two years from the approval of this Act from among those certified as duly qualified by the Institute of Electronics and Communications Engineers of the Philippines, a technical professional association duly organized under the laws of the Philippines.

**SECTION 13. Powers and Duties of the Board.** — The Board is vested with the authority, conformably with the provisions of this Act, to:

- I. (a) Administer the provisions of this Act.
- (b) Administer oaths in connection with the administration of this Act.
- (c) Issue, suspend, or revoke certificate of registration for the practice of electronics and communications engineering for justifiable cause.
- (d) Study the conditions affecting the electronics and communications engineering profession in the Philippines, and exercise the powers conferred upon it by this and other Acts with a view to the promotion and maintenance of ethical, moral, and professional standards in the practice of electronics and communications engineering.
- (e) Study, examine and prescribe, in cooperation with the Department of education, the essential requirements as to curricula and facilities of schools, colleges, or universities seeking permission to open courses or already offering courses in electronics and communications engineering and to see to it that these

requirements, including employment of qualified faculty members, are properly complied with.

( f ) Recommend to the Department of Education or other entity concerned with the granting of school permits or authorization, the opening of colleges or schools and universities in electronics and communications engineering.

(g) Investigate violations of this Act and, for this purpose issue subpoena and 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; and if any person shall refuse to obey any subpoena so issued or shall refuse to testify or produce any book, document, or other pertinent evidence required thereunder, the Board may petition the proper court of first instance setting forth the facts and thereupon such court, in a proper case, shall issue a subpoena to said person, requiring him to appear before the Board, and there to testify and/or produce such books, papers, documents or other pertinent evidence as may be required by such subpoena. Any person failing or refusing to obey the subpoena or order of the said court shall be held liable in the same manner as for refusal to obey any other subpoena or order of the court.

(h) Establish and administer a code of ethics and fair practice for electronics and communications engineers of the Philippines.

(i) Recommend or adopt from time to time and whenever necessary, such measures as may be deemed proper for the advancement of the profession in keeping with the progress of the industry.

( j ) Promulgate such rules and regulations as may be necessary to carry out the provisions of this Act.

**II. Refusal to Issue a Certificate in Certain Cases. —** The Board shall refuse to issue a certificate of registration 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 reason or reasons for such action, which statement shall be incorporated in the records of the Board.

**III. Revocation and Suspension of Certificates. —** The Board shall revoke or suspend the validity of a certificate of registration as electronics and communications engineer issued to any registrant for any of the causes mentioned in the preceding section, or for unprofessional or unethical conduct, malpractice, incompetence, or where fraud, deceit, or false statement was employed in obtaining said certificate of registration.

**IV. Appeal from Judgment. —** The decision of the Board shall become final after thirty-days from the date of its promulgation unless within said period any interested party has perfected an appeal to the Office of the President whose decision shall be final.

**V. Reinstatement and Replacement of Certificates. —** The Board, upon application and for reasons of equity and justice may reinstate the validity of a suspended certificate, or issue another certificate in lieu of one previously revoked, upon payment of the required fees, at least two years after such suspension or revocation.

A new certificate of registration to replace any certificate lost, destroyed, or mutilated, may be issued, subject

to the rules of the Board and upon payment of the required fee.

**SECTION 14. Qualifications of Board Members. —** Each member of the Board at the time of his appointment must be:

- (a) A citizen and resident of the Philippines;
- (b) At least thirty-one years of age, and of good moral character;
- (c) A registered electronics and communications engineer under this Act;
- (d) Actually in active practice of the electronics and communications engineering occupation for at least ten years, in the government service or in private;
- (e) Not a member of the faculty of any school, institute, college, or university where a regular course in electronics, communications or radio is taught, or if he has been such a faculty member, he has stopped teaching therein for at least three consecutive years immediately preceding his appointment; and
- (f) Not financially interested directly or indirectly, in any school, institute, college, or university where a regular course in electronics and/or communications engineering is taught.

**SECTION 15. Term of Office. —** The members of the Board shall hold office for a term of three years: Provided, That the first appointee to the Board shall hold office for the following terms: One member for one year, the other member for two years, and the third member for three years. Any vacancy occurring within the term of a member shall be filled for the unexpired portion of the term only. Each member of the Board shall take the proper oath prior to the assumption of office.

**SECTION 16. The Executive Officer and the Secretary of the Board. —** The Commissioner of Civil Service shall be the Executive Officer of the Board and shall conduct the examination given by the Board according to the rules and regulations promulgated by him. The Secretary of the Board of examiners shall also be the Secretary of the Board. All records of the Board, including examination papers, minutes of deliberations, and records of administrative proceedings and investigations shall be kept by the Commissioner of Civil Service.

**SECTION 17. Compensation of the Board. —** The members of the Board shall each receive, as compensation, a fee of ten pesos for each applicant examined and ten pesos for each certificate of registration granted without prior examination.

**SECTION 18. Removal of Board Members. —** The President of the Philippines upon recommendation of the Commissioner of Civil Service may suspect or remove any member of the Board for continued neglect of duty, incompetence, commission or tolerance or irregularities in the examination, malpractice, or unprofessional or unethical conduct, after having given the member concerned an opportunity to be heard and/or to defend himself in a proper administrative investigation.

**SECTION 19. Publication in Official Gazette. —** All rules, regulations, and code of ethics promulgated by the Board under the provisions of this Act shall be published in the Official Gazette, and shall be effective fifteen days after publication therein.

**SECTION 20. Annual Report.** — The Board shall submit an annual report to the President of the Philippines at the close of each year embodying such recommendation as it may deem proper.

**SECTION 21. Definitions.** — The following definitions, unless the context otherwise requires, shall govern in the application and construction of this Act.

(a) **Board.** — The Board of Examiners for Electronics and Communications Engineers.

(b) **Communications.** — The process of sending and/or receiving messages between two or more points by radio, electronics, or other electrical devices.

(c) **Electronics.** — The science dealing with the development and application of devices and systems involving the flow of electrons in a vacuum, in gaseous media, plasma, and in semi-conductors.

(d) **Electronics and Communications Engineer.** — A person who is qualified to hold himself out as an electronics and communications engineer under this Act and to affix to his name the letters "E.C.E."

**SECTION 22. Enforcement of the Act by Officers of the law.** — It shall be the duty of all duly constituted officers of the law of the National Government, or of any provincial, city or municipal government, to enforce the provisions of this Act and to prosecute any person violating the same. The Secretary of Justice shall act as legal adviser of the Board and shall render such legal assistance as may be necessary in carrying out the provisions of this Act.

**SECTION 23. Foreign Reciprocity.** — No foreigner shall be admitted to an examination or registration as electronics and communications engineer under this Act unless he proves in the manner as provided by the Board that, by specific provisions of law, the country, state or province of which he is a citizen, subject, or national admits Filipino Citizens to the practice of electronics and communications engineering after an examination on terms of strict and absolute equality with the citizens, subjects, or national of said country, including the conditional recognition of prerequisite degrees issued by institutions of learning duly recognized by the Government of the Philippines.

**SECTION 24. Penal Provisions.** — The following shall be punished by a fine of not less than two thousand pesos for more than five thousand pesos, or by imprisonment for not less than six months nor more than six 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 as electronics and communications engineer:

(b) Any person who shall present or use as his own a certificate of registration issued to another under this Act;

(c) Any person who shall present or use a revoked or suspended certificate of registration as electronics and communications engineer;

(d) Any person who shall assume, use, or advertise as electronics and communications engineer, or append



to his name, letters, or words tending to convey the impression that he is a registered electronics and communications engineer when in fact he is not duly registered with the Board as such;

(e) Any electronics and communications engineer, or any person on his behalf, who shall stamp or seal any document with his seal as such after his certificate of registration has expired or has been suspended or revoked;

(f) Any electronics and communications engineer who shall sign his name, affix his seal, or use any other method of signature on plans, technical description, or other documents prepared by or under another electronics and communications engineer's supervision, unless the same is prepared in such manner as to clearly indicate the part or parts of such work actually performed by the former;

(g) Any person, except the electronics and communications engineer in charge, who shall sign for any branch of the electronics and communications engineering work, or any function or engineering practice not actually performed by him;

(h) Any person holding a certificate of registration who shall engage in illegal wire-tapping and/or the employment of electronics devices in violation of the privacy of another or in disregard of the privilege of private communications or 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 and regulations promulgated under this Act.

**SECTION 25. Appropriations of Funds.** — The sum of ten thousand pesos is hereby appropriated, out of any funds in the National Treasury not otherwise appropriated, to be disbursed by the Board in accordance with the provisions of this Act. All sums collected in accordance with this Act shall be paid into the National Treasury as part of the General funds thereof: Provided, That during the first twelve months of the operation of this Act, any portion of the sums collected may be used for the purpose of this Act to cover disbursement in excess of the amount appropriated herein.

**SECTION 26. Repealing Clause.** — All laws, executive orders, rules, regulations, or parts thereof in conflict with the provisions of this Act are hereby repealed or amended accordingly.

**SECTION 27. Separability of Provisions.** — If any provisions of this Act or any portion thereof is declared unconstitutional by any competent court, the other provisions thereof shall not be affected thereby.

**SECTION 28. Effectivity.** — This Act shall take effect upon its approval.

*Enacted without Executive approval, June 21, 1969.*