

EIGHTEENTH CONGRESS)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)



HOUSE OF REPRESENTATIVES

Introduced by Representative Rufus B. Rodriguez

3790
House Bill No. _____

EXPLANATORY NOTE

Since the issuance of P. D. No. 1570 otherwise known as the "Philippine Aeronautical Engineering Decree" in June 11, 1978, the field of aeronautical science and civil aviation have grown tremendously that the said Presidential Decree is no longer adequate to meet the challenges of a globalized economy. There is therefore a need to repeal P. D. No. 1570 to make it more effective and responsive.

The bill proposes the following: the professional services offered by Aeronautical Engineers shall be grouped into five (5) major activity areas; the Professional Board of Aeronautical Engineering shall be strengthened; a Professional Identification Cards shall be issued to an examinee who passed the licensure exam; the Aeronautical Engineering profession shall be integrated into one national organization which shall be accredited by the Board; and there shall be a continuing professional education for practicing Aeronautical Engineers.

By adopting the proposed amendments in this measure, it is hoped that the quality of our aeronautical engineers and our civil aviation industry would be at par with international standards.

It is in this light that the immediate passage of this bill is earnestly sought.



RUFUS B. RODRIGUEZ

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AN ACT

PROVIDING FOR THE REGULATION OF THE REGISTRATION, LICENSING, AND PRACTICE OF AERONAUTICAL ENGINEERING, REPEALING FOR THE PURPOSE PRESIDENTIAL DECREE NO. 1570, OTHERWISE KNOWN AS THE "PHILIPPINE AERONAUTICAL ENGINEERING DECREE"

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 "*Aeronautical Engineering Act*".

SEC. 2. Statement of Policy - The State recognizes the important role of Aeronautical Engineers in nation, building and development. Hence, it shall develop and nurture competent, virtuous, productive and well-rounded aeronautical engineers whose standards of practice and service shall/be excellent, qualitative, world-class and globally competitive through inviolable, honest, effective and credible licensure examinations and 11 competitive regulatory measures, programs and activities that foster their professional growth 12 and development.

SEC. 3. Objectives. -This Act shall govern:

- (a) The examination, registration, and licensure;
- (b) The supervision, control, and regulation of the practice of aeronautical engineering;
- (c) The development and upgrading of the curriculum of the aeronautical engineering profession;
- (d) The development of the professional competence of aeronautical engineers through continuing professional education; and
- (e) The integration of the aeronautical engineering profession.

SEC. 4. Definition of Terms. -As used in this Act, the following terms shall be defined as follows:

(1) Aeronautical Engineer-means a person registered and licensed under this Act with a Certificate of Registration and Professional Identification Card issued by the Professional Regulatory Board of Aeronautical Engineering and the Professional Regulation Commission.

(2) Aeronautical Engineering-the science that deals with the principles of flight and related engineering principles and their applications to research and development, planning, design, manufacture, operation, maintenance, repair, modification and inspection of aircraft, spacecraft and their system and components.

(3) Board-refers to the Professional Regulatory Board of Aeronautical Engineering created by this Act.

(4) Commission-refers to the Professional Regulation Commission created by R.A. No. 8981.

(5) Aircraft-Any contrivance now known or hereafter to be used, invented or designed for navigation or flight in the air.

(6) CHED-refers to Commission on Higher Education.

(7) Accredited Professional Organization (APO) -means the integrated national organization of all Aeronautical Engineers accredited by the Board and the Commission pursuant to this Act.

(8) Continuing Professional Education (CPE) -refers to inculcation, assimilation and acquisition of knowledge, skills proficiency and ethical and moral values that raise and enhance the Aeronautical Engineers' technical skills and competence.

SEC. 5. Scope of Practice. - Practice of Aeronautical Engineering. The act of rendering or offering to render professional services as an aeronautical engineer on a fee basis, or otherwise, in the form of direct work participation, consultancy, supervision, or management, such as planning, designing, analysing, constructing, assembling, installing, altering, maintaining or operating of aircraft, its structures, power plant or accessories through scientific or accepted engineering practice, or the teaching of the same in any university, college, institute, or school of learning duly recognized by Government of the Philippines.

The professional services offered by an aeronautical engineer could be grouped into, but not limited to, the following five (5) major activity areas, namely:

- (1) Research and Development
- (2) Manufacture of Aircraft
- (3) Aircraft Operation
- (4) Aircraft Maintenance
- (5) Education and Training

ARTICLE II PROFESSIONAL BOARD OF AERONAUTICAL ENGINEERING

SEC. 6. Creation and Composition of the Professional Board of Aeronautical Engineering. -There is hereby created the Professional Regulatory Board of Aeronautical Engineering, hereinafter referred to as the Board, a collegial body under the supervision and administrative control of the Professional Regulation Commission (PRC). Hereinafter referred to as the Commission, to be composed of a chairman and two (2) members appointed by the President of the Philippines from a list of three (3) recommendees for each position submitted by the Commission from the list of five (5) nominees for each position forwarded thereto by the accredited professional organization (APO) for aeronautical engineers.

SEC. 7. Qualifications of Members of the Board. -Each member shall, at the time of his/her appointment possesses the following qualifications:

- (a) be a citizen and a resident of the Philippines;
- (b) be a holder of a degree of Bachelor of Science in Aeronautical Engineering conferred by a school, college or university in the Philippines or abroad that is recognized and/or accredited by the Commission on Higher Education (CHED);
- (c) be an aeronautical engineer with a valid Certificate of Registration and Professional Identification Card and active practitioner of aeronautical engineering for at least ten (10) years on the date of his/her appointment;
- (d) not an elective officer of the accredited professional organization for aeronautical engineers during the time of nomination;
- (e) not a member of the faculty of any school, college, university or review institution where a regular course or review course in aeronautical engineering is taught, nor have pecuniary interest in such institution; and
- (f) has never been convicted of any crime involving moral turpitude.

SEC. 8. Term of Office. -The members of the Board shall hold office for a term of three (3) years after appointment or until their successors shall have been appointed and duly qualified. Each member of the Board may be reappointed for one full term of three (3) years.

Of the members of the Board first created under this Act, one member shall be appointed and hold office as chairman for three (3) years, one member for two (2) years, and one member for one (1) year; Provided, the incumbent members of the Board appointed under P.D. No. 1570 shall continue to serve under this new Board for the remainder of their term or until the chairman and members of such Board shall have been organized.

In case of vacancy by reason of death, resignation, or removal of an incumbent Member, the same shall be filled for the unexpired portion of the term of the previous incumbent. Each member of the board shall qualify by taking the proper oath of the office before entering upon the performance of his duties.

SEC. 9. Powers and Duties of the Board. -The Board shall exercise the following specific powers, duties, functions, and responsibilities:

(a) Promulgate and adopt the rules and regulations necessary for carrying out the provisions of this Act;

(b) Regulate the registration, licensure, and practice of aeronautical engineering;

(c) Administer oaths in connection with the administration of this Act;

(d) Issue, suspend, revoke, or reinstate the Certificate of Registration and the Professional Identification Card for the practice of the aeronautical engineering profession;

(e) Adopt an official seal of the Board;

(f) Study and monitor the conditions affecting the practice of aeronautical engineering and adopt such measures as may be deemed necessary for the advancement of ethical and technical standards of the profession;

(g) Hear and decide administrative cases involving violations of this Act, its implementing rules and regulations, the Code of Ethics, the Code of Technical Standards of Professional Practice and for this purpose, to issue subpoena ad testificandum and subpoena duces tecum to secure the appearance of witnesses and the production of documents in connection therewith; Provided, That the decision of the Board shall, unless appealed to the Commission, become final and executor after fifteen (15) days from receipt of notice of judgment or decision. The decision of the Commission may be appealed to the Court of Appeals in accordance with the procedure under the Rules of Court;

(h) Prescribe guidelines for the Continuing Professional Education (CPE) program in consultation with the accredited professional organization for aeronautical engineers;

(i) Prepare, adopt, issue or amend the syllabi of the subjects for examinations by determining and preparing questions which shall be within the scope of the syllabi of the subject for examination as well as administer, correct and release the results of the licensure examinations;

(j) Approve, issue, limit or cancel temporary or special permit to practice aeronautical engineering;

(k) conduct inspection or visit public or private institutions or corporations especially those operating in the aviation and airline industry to determine compliance with this Act and the rules and regulations promulgated pursuant thereto, or to serve as an aid in formulating, amending, or revising policies of the Board;

(l) In coordination with the CHED, ensure that all higher educational instruction and offerings for aeronautical engineering comply with the policies, standards, and requirements of the course prescribed by the CHED in the areas of curriculum, faculty, library and facilities, and for this purpose visit and inspect the same. The board may deny admission to the licensure examinations graduates of universities, colleges, institutes or schools found deficient of the essential and minimum requirements.

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

(n) Discharge such other duties and functions as may be deemed necessary for the enhancement of the aeronautical engineering profession and the upgrading, development and growth of the aeronautical engineering education.

The policies, resolutions, rules and regulations, issued or promulgated by the Board shall be subject to review and approval of the Commission. However the Board's decisions, resolutions or orders rendered in administrative cases which are not interlocutory shall be subject to review only if on appeal.

SEC. 10. Administrative Supervision of the Board, Custodian of its Records, Secretariat and Support Services. - The Board shall be under the administrative supervision of the Commission. All records of the Board, including applications for examination, and administrative and other investigative cases conducted by the Board shall be under the custody of 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.

SEC. 11. Grounds for Suspension or Removal of Members of the Board. -The President of the Philippines, upon the recommendation of the Commission, after giving the concerned member an opportunity to defend himself herself in a proper administrative investigation to be conducted by the Commission, may suspend or remove any member on the following grounds:

- (a) Neglect of duty or incompetence;
- (b) Violation, or tolerance of the violation, of this Act, or its implementing rules and regulations or the Code of Ethics, and the Code of Technical Standards of Professional Practice;
- (c) Final judgment of crimes involving moral turpitude; and
- (d) Manipulation or rigging of the Aeronautical Engineering licensure examination results, disclosure of secret and confidential information in the examination questions prior to the conduct of the said examination or tampering of grades.

SEC. 12. 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. 13. Annual Report. -The Board shall submit an annual report to the Commission after the close of each year giving a detailed account of its proceedings and accomplishments during the year and making such recommendations as it may deem proper.

ARTICLE III EXAMINATION, REGISTRATION AND LICENSURE

SEC. 14. Examination Required. -All applicants for registration for the practice of Aeronautical Engineering shall be required to undergo a licensure examination to be given by the Board in such places and dates as the Commission may designate in accordance with the provisions of R.A. No. 8981.

SEC. 15. Qualifications of Applicant for Examination. -Any person applying for examination shall establish to the satisfaction of the Board that:

- (a) He/she is a Filipino citizen or a citizen of a foreign country or state which has reciprocity with the Philippines in the practice of the aeronautical engineering;
- (b) He / she is of good moral character;
- (c) He/she is a holder of the degree of Bachelor of Science in Aeronautical Engineering conferred by a School, college, academy or institute duly recognized and/or

accredited by the Commission on Higher Education (CHED) or of an equivalent course offered in any institution of learning in a foreign country state, if the applicant is a foreigner, subject to the provisions of the existing laws; and

(d) He/she has not been convicted of any criminal offense involving moral turpitude.

SEC. 16. Subjects for Examination. -The licensure examination for Aeronautical Engineers shall cover, but are not limited to, the following subjects:

- (a) Mathematics;
- (b) Aerodynamics;
- (c) Aircraft Structures and Design;
- (d) Aircraft Powerplant and Propulsion System.
- (e) Air Laws and Regulations, Engineering Economics, Management and Ethics; and
- (f) Aircraft Materials, Construction, Modifications and Repair.

The Board, subject to the approval of the Commission, may revise or exclude any of the subjects and their syllabi, and add new ones as the need arises to conform to technological changes brought about by continuing trends in the profession.

SEC. 17. Rating in the Licensure Examination. -To be qualified as having passed the licensure examination for Aeronautical Engineers, a candidate must obtain a weighted general average of seventy five percent (75%), with no grade lower than fifty percent (50%) in any subject.

SEC. 18. Report of Ratings. -The Board shall submit to the Commission the ratings obtained by each candidate within ten (10) calendar days after the examination, unless extended for just cause.

SEC. 19. Oath. -All successful candidates in the examination shall be required to take an oath of profession before any member of the Board, any officer of the Commission authorized by it or any person authorized by law to administer oaths, prior to entering upon the practice of the profession.

SEC. 20. Issuance of Certificates of Registration and Professional Identification Card. A certificate of Registration shall be issued to examinees who pass the licensure examination subject to payment of fees prescribed by the Commission. The Certificate of Registration shall bear the signature of the chairperson of the Commission and the chairman and members of the Board, stamped with the official seal of the Commission and of the Board, indicating that the person named therein is entitled to the practice of the profession with all the privileges appurtenant thereto. 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 issuance, expiry date, duly signed by the chairperson of the Commission shall likewise be issued to every registrant who has paid the prescribed fee.

SEC. 21. Roster of Aeronautical Engineers. - The Board shall prepare and maintain a roster of the names residence and/or office address of all registered Aeronautical Engineers, which shall be updated annually in cooperation with the Accredited Professional Organization (APO), indicating therein the status of the Certificate of Registration, Professional Identification Card and membership in the Accredited Professional Organization (APO) for aeronautical engineers 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. 22. Seal Issuance and Use of Seal. -A duly registered and licensed Aeronautical Engineer shall affix the seal prescribed by the Board bearing the registrant's name, registration number and title "Aeronautical Engineer" on air/aeronautical engineering plans, drawings, specifications and all other contract documents prepared by or under his/her direct supervision.

a) Each registrant hereunder shall, upon registration, obtain a seal of such design as the Board shall authorize and direct. Aeronautical Engineering plans and specifications prepared by, or under the direct supervision of a registered and licensed aeronautical engineer shall be stamped with said seal during the life of the registrants certificate, and it shall be unlawful for anyone to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued.

b) No officer or employee of this Republic, chartered cities, provinces and municipalities, now or hereafter charged with the enforcement of laws, ordinances or regulations relating to the practice of Aeronautical Engineering, shall accept, endorse or approve any aeronautical engineering plans, drawings, designs, reports or specifications which have not been prepared and submitted in full accord with all the provisions of this Act; nor shall any payments be approved by any such officer for any work, the plans and specifications for which have not been so prepared and signed and sealed by the author.

(c) All aeronautical engineering plans, designs, specifications, drawings and aeronautical engineering documents relative to the practice of aeronautical engineering shall bear the seal and Signature only of an aeronautical engineer registered and licensed under this Act together with his/her professional identification card number and the date of its expiration.

SEC. 23. Indication of Certificate of Registration/Professional Identification Card and Professional Tax Receipt. -The aeronautical engineer shall be required to indicate his/her Certificate of Registration and Professional Identification Card Number, its date of issuance and the duration of validity, including the professional tax receipt number, on the documents he/she signs, uses or issues in connection with the practice of his/her profession.

SEC. 24. Refusal to Issue Certificate of Registration and Professional Identification Card. -The Board shall not register and issue a Certificate of Registration and Professional Identification Card to any person who has falsely sworn or misrepresented himself/herself in his/her application for examination or to any person convicted by a court of competent jurisdiction of a criminal offense involving moral turpitude or guilty of immoral and dishonourable conduct or to any person of unsound mind. In the event of refusal to issue certificate for any reason, the Board shall give the applicant a written statement setting forth the reasons for such action, which statement shall be incorporated in the record of the Board.

SEC. 25. Suspension and Revocation of Certificates of Registration, Professional/identifications Card or the Special Temporary Permit. -The Board shall have the power, upon notice and hearing, to revoke or suspend a Certificate of Registration or to cancel a special permit granted under this Act to an aeronautical engineer, on any ground mentioned hereof fur the use of or perpetuation of any fraud or deceit in obtaining a Certificate of Registration and Professional Identification Card or special/temporary permit; for gross negligence or incompetence; for unprofessional or dishonorable conduct; or refusal to join and to remain a member of good standing of the integrated professional organization of aeronautical engineering accredited by the Commission, or for any cause specified hereunder; Provided, however, That such action of the Board shall be subject to appeal to the Commission whose decision shall be final if he/she:

(a) has signed and affixed or permitted to be signed or affixed his name or seal on aeronautical engineering plans and designs, specifications, drawings, technical reports,

valuation, estimates, or other similar documents or work not prepared by him/her or not executed under his/her immediate supervision; or

(b) has paid money except the regular fees provided for to secure a Certificate of Registration; or

(c) has falsely impersonated a practitioner, or former practitioner of alike or different name or has practiced under an assumed, fictitious or corporate name other than that of the registered; or

(d) has aided or abetted in the practice of Aeronautical Engineering any person not duly authorized to practice Aeronautical Engineering in the Philippines; or

(e) has openly solicited projects by actually undertaking aeronautical engineering services without a valid service agreement guaranteeing compensation of services to be rendered and/or has actually allowed himself/herself to be exploited by undertaking aeronautical engineering services without a valid service agreement, both acts being prejudicial to other Aeronautical Engineer registered and licensed under this Act and inimical to the interests of the profession; or

(f) has violated any provision of this Act, its implementing rules and regulations, the Code of Ethics and Code of Technical Standards of Professional Practice,

The Board shall periodically examine the grounds for the revocation of the Certificate of Registration and update these as necessary under the implementing rules and regulations.

Any person, firm or association, may prepare charges in accordance with the provisions of this section against any registrant, or the Board may motu proprio investigate and/or take cognizance of acts and practices constituting sufficient cause for suspension or revocation of the Certificate of Registration by proper resolution or order. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the Secretary of the Board or the Legal and Investigation Division.

SEC. 26. Reinstatement or Replacement of Revoked! Suspended or Lost Certificates of Registration, Professional Identification Card or Special and Temporary Permit -The Board may, after the expiration of two (2) years from the date of revocation a Certificate of Registration, and upon application and for reasons deemed proper and sufficient, reinstate of a revoked Certificate of Registration and in so doing may, in its discretion, exempt the applicant from taking another examination.

A new Certificate of Registration or Professional Identification Card, temporary/special permit to replace those which have been lost, destroyed, or mutilated, may be re-issued, subject to the rules promulgated by the Board and the Commission, upon payment of the required fees.

ARTICLE IV **PRACTICE OF AERONAUTICAL ENGINEERING**

SEC. 27. Registration of Aeronautical Engineers Required. -No person shall practice Aeronautical Engineering in this country, or engage in preparing aeronautical engineering plans, specifications or preliminary data, or use the title "Aeronautical engineer", or display the word "Aeronautical engineer" together with another word, or display or use any title, sign, card, advertisement, or other device to indicate such person practices or offers to practice Aeronautical Engineering, or is an aeronautical engineer, unless such person shall have received from the Board a Certificate of Registration and a Professional Identification Card in the manner hereinafter provided and shall thereafter comply with the provisions of this Act.

A foreign aeronautical engineer, or any person, not authorized to practice Aeronautical Engineering in the Philippines, who shall stay in the country and perform any of the activities mentioned in Section 25 of this Act, or any other activity analogous thereto, shall be deemed engaged in the unauthorized practice of Aeronautical Engineering.

SEC 28. Posting Certificates. -The owner, manager or other person in-charge of any aircraft or of firm, co-partnership, corporation, or joint corporation operating an aircraft shall post or cause to be posted in any conspicuous place within such station or establishment the certificate of registration of the aeronautical engineer employed in such station or establishments.

SEC. 29. Vested Rights. Aeronautical Engineers Registered When This Law is passed. -All Aeronautical Engineers registered at the time this law takes effect shall automatically be registered under the provisions hereof, subject, however, to the provisions herein set forth as to future requirements.

Certificate of Registration and Professional Identification Card held by such persons in good standing shall have the same force and effect as though issued after the passage of this Act. .

SEC. 30. Reciprocity Requirements. -A person who is not a citizen of the Philippines at the time he/she applies to take the examination shall not be allowed to take the licensure examination unless he/she can prove, in the manner provided by the Rules of Court that, by specific provision of law, the country of which he/she is a citizen, subject or national either admits citizens of the Philippines to the practice of the same profession without restriction or allows them to practice it after passing an examination on terms of strict and absolute equality with citizens; subjects or nationals of the country concerned, including the unconditional recognition of prerequisite degrees/diplomas issued by the institutions of learning duly recognized for the purpose by the Government of the Philippines.

SEC. 31. Continuing Professional Education (CPE). -To promote public interest and to organization safeguard life, health and property, all practicing Aeronautical Engineers 46 shall maintain a program of continuing professional education. The integrated and accredited 47 professional organization and other entity/accredited providers by the Continuing Professional Education (CPE) Council shall have the responsibility of developing a continuing professional development program for Aeronautical Engineers.

SEC. 32. Prohibition in the Practice of Aeronautical Engineering and Penal Clause. - Any person who shall practice or offer to practice Aeronautical Engineering in the Philippines without being registered and licensed and who are not holders of temporary or special permits in accordance with the provisions of this Act, or any person presenting or attempting to use as his/her own the Certificate of Registration/Professional Identification Card or seal of another or temporary /special permit of another, 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 Professional Identification Card or temporary or special permit, or any person who shall falsely impersonate any registrant of like or different name, or any person who shall attempt to use a revoked or suspended Certificate of Registration/Professional Identification Card or cancelled special temporary permit, or any person who shall use in connection with his/her name or otherwise assume, use or advertise any title or description tending to convey the impression that he/she is an aeronautical engineer when he/she is not in fact an aeronautical engineer, or any person whether Filipino or foreigner, who knowingly allows the use, adoption, implementation of plans, designs or specifications made by any person, firm, partnership or company not duly licensed to engage in the practice of Aeronautical Engineering, or any person who shall violate any of the provisions on this Act, its implementing rules and regulations, or any policy of the Board and the Commission, shall be guilty of misdemeanour and charged in court by the Commission and shall, upon conviction be sentenced to a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five million pesos (P5,000,000.00) or imprisonment for a period not less than six (6) months but not exceeding six (6) years or both, at the discretion of the Court.

SEC. 33. Prohibition in the Practice of Aeronautical Engineering. -Any person or entity, whether public or private, Filipino or foreigner, who/which shall entice, compel, coerce, require or otherwise force an aeronautical engineer registered and licensed under this Act to undertake/perform any service under the general practice of Aeronautical Engineering as defined under this Act, without first executing a written contract service agreement, shall be guilty of a misdemeanour and shall, upon conviction be sentenced to a fine of not less than Two hundred thousand pesos (P200,000.00) or to suffer imprisonment for a period not exceeding six (6) years, or both, at the discretion of the Court.

SEC. 34. Liability of Representatives of Non-Registered Persons. -It shall be unlawful for any person or firm or corporation to seek to avoid the provisions of this Act by having a representative or employee seek aeronautical engineering work in their behalf, unless and until, such persons have duly qualified and duly registered/licensed Aeronautical Engineer, otherwise, both those represented and the representative, the employer and the employee shall be deemed guilty of violation of this Act. Solicitation of aeronautical engineering work shall be construed as offering to practice Aeronautical Engineering and shall be unlawful for any non-registered and unlicensed persons to do so.

SEC. 35. Signing of Aeronautical Engineering Plans, Specifications and Other Contract Documents. -It shall be unlawful for any aeronautical engineer to sign his/her name, affix his/her seal, or use other method of signature on aeronautical engineering plans, specifications or other aeronautical engineering documents made under another aeronautical engineer's supervision, unless the same is made in such manner as to clearly indicate the part or parts of such work actually performed by the former; and it shall be unlawful for any person, except the Aeronautical engineer-of-record to sign for any branch of the work, or any function or aeronautical engineering practice, not actually performed by him/her. The Aeronautical engineer-of-record shall be fully responsible for all aeronautical engineering plans, specifications, and other documents issued under his/her seal or authorized signature.

All reports, plans, specifications, drawings, designs and other related documents pertaining, but not limited to major structural repair, major structural modifications, major system repair and modifications, operational limitations, aircraft performance classifications, weight and balance data limits and computations, shall bear the signature and seal of registered and licensed aeronautical engineer.

The Board shall promulgate the necessary rules and regulations as regards to the signing and sealing of drawings, specifications, reports, and other documents.

SEC. 36. Ownership of Plans, Specifications and Other Contract Documents. - Drawings and specifications and other contract documents duly signed, stamped or sealed, as instruments of service, are the intellectual property and documents of the aeronautical engineer, whether the object for which they are made is executed or not. It shall be unlawful for any person to duplicate or to make copies of said documents for use in the repetition of and for other projects or design, whether executed partly or in whole, without the written consent of the aeronautical engineer or author of said documents.

All Registered and Licensed Aeronautical Engineers shall incorporate this provision in all contract documents and other instruments of service.

SEC. 37. Non-Registered Person shall not Claim Equivalent Service.-Persons not registered as an aeronautical engineer shall not claim nor represent either services or work as equivalent to those of a duly registered and licensed aeronautical engineer, or that they are qualified for any branch or function of aeronautical engineering practice even though no form of the title "Aeronautical engineer" is used.

SEC. 38. Positions in Government Requiring the Services of Registered and Licensed Aeronautical Engineers. --Within three (3) years from the effectivity of this Act, all existing

and proposed positions in the local and national government including government regulatory agency such as Civil Aviation Authority of the Philippines, whether career, permanent, temporary or contractual and primarily requiring the services of an aeronautical engineer shall be filled only by registered and licensed Aeronautical Engineers.

SEC. 39. Collection of Professional Fees. -It shall be unlawful for any unregistered person to collect a fee for aeronautical engineering services except as an employee collecting a fee as representative of a Registered and Licensed Aeronautical engineer.

SEC. 40. Limitation to the Registration of a Firm, Company, Partnership, Corporation or Association. -The practice of Aeronautical Engineering is a professional service, admission to which shall be determined upon the basis of individual personal qualifications. However, a firm, company, partnership, corporation or association may be registered or licensed as such for the practice of Aeronautical Engineering under the following conditions:

- a) Only Filipino citizens properly registered and licensed as Aeronautical Engineers under this Act may, among themselves, or together with allied technical professionals, form and obtain registration as a firm, company, partnership, association or corporation for the practice of Aeronautical Engineering;
- b) Registered and licensed Aeronautical Engineers shall compose at least seventy-five percent (75%) of the owners, or shareholders, or members, or directors, or executive officers, as the case may be;
- c) Individual members of such firm, partnership, association or corporation shall be responsible for their individual and collective acts as an entity and as provided by law;
- d) Such firm, partnership, association or corporation shall be registered with the Securities and Exchange Commission and the Board.

SEC. 41. Coverage of Temporary/Special Permits. -Foreign nationals who have gained entry in the Philippines to perform professional services as Aeronautical Engineers or consultants in foreign-funded or assisted projects of the government or employed or engaged by Filipino or foreign contractors or private firms, shall, before assuming the duties, functions and responsibilities as Aeronautical Engineers or consultants, secure a special temporary permit from the Board subject to approval of the Commission, to practice his/her profession in connection with the project to which he/she was commissioned: Provided, That a foreign national or foreign firm, whose name or company name, with the title aeronautical engineer, aeronautical engineering consultant, design consultant, consultant or designer appears on aeronautical engineering plans, specifications and other related technical documents, for securing permits, licenses and government authority clearances for actual practice of aeronautical engineering in the Philippines and advertisements and billboards for marketing purposes, shall be deemed practicing Aeronautical Engineering in the Philippines, whether the contract for professional services is consummated in the Philippines or in a foreign country. Provided, further, That the following conditions are satisfied as follows:

- (a) That he/she is a citizen or subject of a country which specifically permits Filipino professionals to practice his/her profession within its territorial limits, on the same basis as the subjects or citizens of such foreign state or country;
- (b) That he/she is legally qualified to practice Aeronautical Engineering in his/her own country, and that his/her expertise is necessary and advantageous to our country particularly in the aspects of technology transfer and specialization;
- (c) That foreign nationals shall be required to work with a Filipino counterpart and shall also be responsible for public liabilities and taxes due to the Philippine government, relative to their participation in, or professional services rendered to the project, in accordance with the established implementing rules and regulations providing for the procedure for the registration and/or issuance of temporary/special permits to foreign Aeronautical Engineers allowed by law to practice their profession in the Philippines by the Board of Aeronautical Engineering and the Accredited Professional Organization (APO); and

(d) Agencies, organizations or individuals whether public or private, who secure the services of a foreign professional authorized by law to practice in the Philippines for reasons aforementioned, shall be responsible for securing a special permit from the Professional Regulation Commission (PRC) and the Department of Labor and Employment (DOLE) pursuant to PRC and DOLE rules.

SEC. 42. Liability Insurance of a Person or Entity Allowed to Practice under a Temporary/Special Permit. -Foreign nationals, including former Filipinos wanting to engage in the general practice of Aeronautical Engineering as defined in Section 41 (c) of this Act must secure locally their professional liability insurance or malpractice insurance or their acceptable equivalent in bond form commensurate with the nature and magnitude of their project involvement and their compensation the implementing rules and regulations for such a requirement for practice shall be implemented by the Board in consultation with the integrated and accredited professional organization of Aeronautical Engineers within six (6) months from the effectivity of this Act.

ARTICLE V FINAL PROVISIONS

SEC. 43. Integration of the Aeronautical Engineering Profession. -The Aeronautical Engineering profession shall be integrated into one (1) national organization which shall be accredited by the Board, subject to the approval by the Commission, as the integrated and accredited professional organization of Aeronautical Engineers: Provided, however, That such an organization shall be registered with the Securities and Exchange Commission, as a non-profit, non-stock corporation to be governed by by-laws providing for a democratic election of its officials. An aeronautical engineer duly registered with the Board shall automatically become a member of the integrated and accredited professional organization of Aeronautical Engineers and shall receive the benefits and privileges provided for in this Act upon payment of the required fees and dues.

The CPE Council composed of the Chairman/Member of the Board, the President or designated Officer of the Accredited Professional Organization and the President or designated officer of the association of deans/heads of schools/colleges offering the course shall implement the continuing professional education, accredit other organizations or entities to provide continuing professional education, promulgated by the Board and/or the Commission, compliance with which shall be a requirement for the renewal of the Professional Identification Card and 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. 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. 44. Implementing Rules and Regulations. -Within ninety (90) days after the effectivity of this Act, the Board, subject to the approval of the Commission and in consultation with the integrated and accredited professional organization, shall adopt and promulgate such rules and regulations, Code of Ethics and Code of Technical Standards of Professional Practice, to carry out the provisions of this Act which shall be effective after fifteen (15) days following their publication in the Official Gazette or in two (2) major daily newspapers of general circulation.

SEC. 45. Appropriations. -The Chairperson of the Professional Regulation Commission shall immediately include in the Commission's programs the implementation of this Act, the funding of which shall be included in the annual General Appropriations Act.

SEC. 46. Act Not Affecting Other Professional/s. - This Act shall not be construed to affect or prevent the practice of any other legally recognized and regulated profession.

SEC. 47. Enforcement of the Act. -It shall be the primary duty of the Commission and the Board to effectively enforce the provisions of this Act. All duly constituted law enforcement agencies and officers of national, provincial, city or municipal government or of any government regulatory agency for aircraft operation such as Civil Aviation Authority of the Philippines, shall enforce the provisions of this Act and to prosecute any person violating the provisions of the same. The Secretary of Justice or his duly designated representative shall act as legal adviser to the Commission and the Board, and shall render legal assistance as may be necessary in carrying out the provisions of this Act.

Any person may bring before the Commission, Board or the aforementioned officers of the law, cases of illegal practice or violations of this Act committed by any person or party.

The Board shall assist the Commission in filing the appropriate charges through the concerned prosecution office in accordance with this Act and the Rules of Court.

SEC. 48. Separability Clause. If any clause, provision, paragraph or part hereof shall be declared unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other part hereof, but such judgment shall be merely confined to the clause, provision, paragraph or part directly involved in the controversy in which such judgment has been rendered.

SEC. 49. Repealing Clause. Presidential Decree No. 1570 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. 50. Effectivity. -This Act shall take effect after fifteen (15) days following its full and complete publication in the Official Gazette or in two (2) newspapers of general circulation.

Approved,