

Board of Geodetic Engineering

Republic Act No. 8560

An Act Regulating the Practice of Geodetic Engineering in the Philippines

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

Article I TITLE

Section 1. *Title.*- This Act shall be known as the "Philippine Geodetic Engineering Act of 1998."

Article II DEFINITION OF TERMS

Section 2. *Definition of Terms.*-

- (a) *Practice of Geodetic Engineering* - The practice of Geodetic Engineering is a professional and organized act of gathering physical data on the surface of the earth with the use of precision instruments. It is also the scientific and methodical processing of these data and presenting them on graphs, plans, maps, charts or documents. It shall embrace, but is not limited to, the following activities:
- (1) Professional Geodetic Engineering services with the use of surveying and mapping equipment such as graduated rods, measuring tapes, transits, levels, theodolites, fathometers/echosounders, electronic distance meters, global positioning systems, stereoplotters and all other instruments that are used to determine metes and bounds of lands positions of points on the surface of the earth, water depths, underwater configuration, ground elevation, gravity, isostasy, crustal movements and the size and shape of the earth, and other instruments used for construction survey, and those instruments used to guide the installation of large industrial equipment and machineries;
 - (2) Horizontal and vertical control surveys and political boundary surveys;
 - (3) Land surveys to determine their metes and bounds and prepare the plans thereof for titling and for other purposes;
 - (4) Subdivision, consolidation and/or consolidation-subdivision of titled properties;
 - (5) Submission of survey plans of subdivided, consolidated and/or consolidated-subdivision titled properties to the government agencies concerned; hereafter, such plans on surveyed titled properties submitted by geodetic engineers shall not be subject to verification and approval;
 - (6) Preparation and making of sketch, lot and location plans;
 - (7) Conduction of engineering surveys and the technical preparation of engineering survey plans such as topographic, hydrographic, tidal, profile, crosssection, construction and boundary surveys;
 - (8) Parcellary surveys of lands traversed by infrastructure projects; and the preparation of subdivision plans;
 - (9) Conduction of gravimetric and photogrammetric survey and the technical preparation of such survey plans;
 - (10) Survey and mapping works such as the preparation of geographic and/or land information systems;
 - (11) Survey to determine and establish line and grade for the construction of buildings and other structures and its attachments;
 - (12) Construction of as-staked and as-built surveys for infrastructures;
 - (13) Conduction of mineral and mining surveys;
 - (14) Installation of machineries requiring the use of precision instruments;\
 - (15) Engagement in the transfer of the knowledge and technology of geodetic engineering in any institution of learning;
- (b) *Geodetic Engineer* - A Geodetic Engineer is a natural person who has been issued a Certificate of Registration by the Board of Geodetic Engineering and has taken the Oath of Profession of Geodetic Engineers.

Article III
BOARD OF GEODETIC ENGINEERING

Section 3. *Creation and Composition of the Board of Geodetic Engineering.*- There is hereby created a Board of Geodetic Engineering, hereinafter called the Board, to be composed of a chairman and two (2) members to be appointed by the President of the Philippines from a list of three (3) recommendees for each position, chosen, ranked in the order of preference and submitted by the duly integrated and accredited association of geodetic engineers. The Board shall be organized not later than six (6) months from the effectivity of this Act

Section 4. *Qualifications of Members of the Board.*- A member of the Board shall, at the time of his appointment, possess the following qualifications:

- (a) Natural born citizen and resident of the Philippines;
- (b) Must be at least forty (40) years of age;
- (c) A registered Geodetic Engineer with a valid professional license and an active practitioner in Geodetic Engineering for not less than ten (10) years prior to appointment;
- (d) Must not be a member of the faculty of any school, academy, institute, college or university where a regular course in Geodetic Engineering is being taught, nor have pecuniary interest in or administrative supervision over any such institution of learning;
- (e) Must not, for a period of three (3) consecutive years prior to appointment, be connected with a review center or with any group or association where review classes or lectures in preparation for the licensure examination are offered or conducted at the time of appointment; and
- (f) Must not have been convicted of any offense involving moral turpitude.

Section 5. *Term of Office.*- The members of the Board shall hold office for a term of three (3) years and until their successors shall have been appointed and qualified. Of the members of the Board first appointed under this Act, one (1) member shall be appointed and hold office for three (3) years; and one (1) member for two (2) years, one (1) member for one year. The Chairman or member of the Board may be reappointed for another term but in no case shall he serve continuously for more than six (6) years. Each member of the Board shall qualify by taking the proper oath of office prior to entering upon the performance of duties.

Section 6. *Compensation of the Board Members.*- The Chairman and members of the Board shall receive compensation and allowances comparable to the compensation and allowances received by existing regulatory boards with the Professional Regulation Commission (PRC), hereinafter referred to as the Commission, as provided for in the General Appropriations Act.

Section 7. *Vacancy and Removal of Board Members.*- Any vacancy occurring in the membership of the Board within the term of a member shall be filled for the unexpired portion of the term only. The President may remove any member of the Board, upon the recommendation of the Commission, on the following grounds:

- (a) Neglect of duty or incompetence;
- (b) Violation or tolerance of the violation of this Act or the Code of Ethics for geodetic engineers;
- (c) Final judgment of a crime involving moral turpitude.

He shall be given due notice and hearing where his right to be heard and to defend himself, assisted by counsel, shall be respected in a proper administrative investigation. The Commission's decision may be appealed within fifteen (15) days from written notice, to the President, whose decision shall be final and executory.

Section 8. *Powers and Duties of the Board.*- The Board shall exercise the following specific powers, functions, duties and responsibilities:

- (a) To promulgate and adopt the rules and regulations necessary for carrying out the provisions of this Act;
- (b) To supervise the examination, registration, licensure and practice of Professional Geodetic Engineering in the Philippines;
- (c) To administer oaths in connection with the successful examinees entering the practice of Geodetic Engineering;
- (d) To issue the Certificate of Registration to successful examinees.
- (e) To issue, suspend or revoke the license for the practice of the Geodetic Engineering profession;
- (f) To adopt an official seal of the Board;
- (g) To look into the conditions affecting the practice of Geodetic Engineering profession and whenever necessary, adopt such measures as may be deemed proper for the enhancement and maintenance of high professional and ethical standards of the profession;

- (h) To ensure, in coordination with the Commission on Higher Education (CHED), that all educational institutions offering Geodetic Engineering education comply with the policies, standards and requirements of the course prescribed by CHED in the areas of curriculum, faculty, library and facilities;
- (i) To prescribe and/or adopt a Code of Ethical and Professional Standards for the practice of the Geodetic Engineering profession;
- (j) To hear and try administrative cases involving violations of this Act, its implementing rules and regulations, the Code of Ethics for professional Geodetic Engineers and for this purpose, to issue *subpoena* and *subpoena duces tecum* to secure the appearances of witnesses and the production of documents in connection therewith;
- (k) To prescribe guidelines in the Continuing Professional Education (CPE) program in coordination with the integrated and accredited association for professional Geodetic Engineers;
- (l) To prepare, adopt, issue or amend the syllabi of the subjects for examination;
- (m) To approve, issue, limit or revoke temporary license to practice Geodetic Engineering;
- (n) To discharge such other duties and functions as may be deemed necessary for the enhancement of the Geodetic Engineering profession and the upgrading, development and growth of Geodetic Engineering education in the Philippines.

Section 9. *Supervision of the Board, Custodian of its Records, Secretarial and Support Services.*- The Board shall be under the administrative supervision of the Commission. All records of the Board, including the application for examination, examination papers and results, minutes of deliberation, administrative cases and other investigations involving Geodetic Engineers 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.

Section 10. *Annual Report.*- The Board shall, at the close of each calendar year, submit an annual report to the President of the Philippines through the Professional Regulation Commission, giving detailed account of its proceedings and accomplishments during the year and make recommendations for the adoption of measures that will upgrade and improve the conditions affecting the practice of Geodetic Engineering in the Philippines.

Article IV EXAMINATION, REGISTRATION AND LICENSE

Section 11. *Examinations Required.*- All applicants for registration for the practice of Geodetic Engineering shall be required to undergo and pass a written technical examination as provided for in this Act.

Section 12. *Qualifications of Applicant for Examination.* - Every applicant for examination shall establish the following:

- (a) That he is a citizen of the Philippines;
- (b) That he is a graduate of Bachelor of Science in Geodetic Engineering in a school, academy, insitute or college duly recognized by the Government.

Section 13. *Fraudulent Application.*- The Board may suspend or revoke a Certificate of Registration obtained through misrepresentation made in the application for examination.

Section 14. *Scope of Examination.* - The examination for Geodetic Engineering shall basically cover the following subjects:

- (1) Mathematics;
- (2) Theory and Practice of Surveying;
- (3) Property Surveying including Isolated, Cadastral, Mineral and Mining Surveys;
- (4) Cartography and Photogrammetry;
- (5) Geodesy, Geodetic Surveying and Least Squares;
- (6) Engineering Surveys and Construction Surveying;
- (7) Laws on Natural Resources including Laws on Property, Land Registration and Agrarian Reform;
- (8) Laws on Obligations and Contracts;
- (9) Code of Ethics of the Profession.

The said subjects and their syllabi may be amended by the Board so as to conform to technological changes brought about by continuing trends in the profession.

Section 15. *Rating in the Board Examinations.*- To be qualified as having passed the board examination for Geodetic Engineers, a candidate must obtain a weighted general average of seventy percent (70%), with no grade lower than fifty-five percent (55%) in any given subject. However, an examinee who obtains a weighted general average rating of seventy percent (70%) or higher but obtains a rating below fifty-five percent (55%) in

any given subject must take the examination in the subject or subjects where he obtained a grade below fifty-five percent (55%).

Section 16. *Report of Ratings.*- The Board shall submit to the Commission the rating obtained by each candidate within twenty (20) days after the examination, unless extended for just cause. Upon the release of the results of the examination, the Board shall send by mail the rating received by each examinee at his given address using the mailing envelope submitted during the examination.

Section 17. *Re-examination.*- An applicant who fails to pass the examination for the third time shall be allowed to take another examination only after the lapse of one year.

Section 18. *Oath.*- All successful candidates in the examination shall be required to take an oath of profession before the Board or any government official authorized to administer oaths, prior to entering upon the practice of the Geodetic Engineering profession.

Section 19. *Certificate of Registration and Professional License.*- A Certificate of Registration shall be issued to applicants who pass the examination for Geodetic Engineers subject to payment of registration fees.

The Certificate of Registration of a professional Geodetic Engineer shall bear the signatures of the Chairman of the Board and the Chairman of the Professional Regulation Commission and stamped with the official seal of the Board indicating that the person named therein is a registered Geodetic Engineer.

A professional license bearing the registration number, date of issuance, expiry date and duly signed by the Chairman of the Board, shall likewise be issued to every registrant, upon payment of the professional fees. No person shall practice Geodetic Engineering in this country unless such person shall have secured a license to practice Geodetic Engineering in the manner herein provided. A licensee is entitled to practice the profession with all the privileges appurtenant thereto until the expiration of the validity of his license.

Section 20. *Seal and Use of Seal.*- (a) Each registrant shall, upon registration, obtain the seal of such design as the Board of Geodetic Engineering may adopt. Plans and specifications prepared by or under the direct supervision of a registered Geodetic Engineer, shall be stamped with said seal during the validity of the professional license. No person shall stamp or seal any document with the seal of a registrant after his professional license has expired or lost its validity unless he has been reinstated to the practice and/or unless his license has been renewed.

(b) No officer or employee of the government, chartered cities, provinces and municipalities now or hereafter charged with the enforcement of laws, ordinances or regulations relating to all Geodetic Engineering practices shall accept or endorse any survey plans or documents which have not been prepared and submitted in full accord with the provisions of this Act, nor shall any payment be approved by any such officer for any work, the plans and documents of which have not been so prepared, signed and sealed by a duly licensed Geodetic Engineer.

(c) No Geodetic Engineer shall sign his name, affix his seal or use any other method of signature on plans, specifications or other documents made by or under another Geodetic Engineer's supervision unless the same is made in such manner as to clearly indicate the part of such work actually performed by him; and no person, except the Geodetic Engineer in charge, shall sign for any branch of work or any function of Geodetic Engineering practice not actually performed by him. The Geodetic Engineer in charge shall be fully responsible for all plans, specifications and other documents issued under his seal or authorized signature.

The Board shall formulate, adopt and promulgate all necessary rules and regulations for the effective implementation of the provisions relating to the design of the seal, the signing and sealing of drawings, specifications, reports and other documents by Geodetic Engineers. (d) Plans and documents duly signed, stamped or sealed as instruments of service are the property and documents of the Geodetic Engineer, if the same has not been accepted and/or paid.

Section 21. *Indication of License and Professional Tax Receipt.*- The Geodetic Engineer shall be required to indicate his professional license number, the duration of validity, including the professional tax receipt number on the documents he signs, uses or issues in connection with the practice of his profession.

Section 22. *Grounds for Suspension and Revocation of License, Cancellation of Temporary/Special Permit.*- The Board shall have the power, upon due notice and hearing, to revoke or suspend the license of a Geodetic Engineer, or to cancel a temporary/special permit for any cause specified in the preceding sections, including but not limited to: the use or perpetration of any fraud or deceit in obtaining a certificate of registration, or for incompetence, negligence, or for abetment of the illegal practice of Geodetic Engineering; violation of the provisions of this Act, its implementing rules and regulations and/or violation of the policies of the Board including the Code of Ethics for Geodetic Engineers: *Provided, however,* That such action of the Board shall be subject to appeal to the Commission, within fifteen (15) days from written notice.

Article V
PRACTICE OF GEODETIC ENGINEERING

Section 23. *Vested Rights: Automatic Registration of Practicing Geodetic Engineers.*- All practicing Geodetic Engineers who are registered at the time this Act takes effect, shall automatically be registered.

Section 24. *Practice Not Allowable for Firms and Corporations.* - The practice of Geodetic Engineering is a professional service, admission to which shall be determined upon the basis of an individual's personal qualifications, for which the Geodetic Engineer is responsible for the correctness of the survey work. No other person or government entity should go over the work of the Geodetic Engineer unless found grossly defective in connection with other works for which an investigation committee shall thereby be created and commissioned by the Professional Regulation Commission.

No firm, company, partnership, association or corporation may be registered or licensed as such for the practice of Geodetic Engineering: *Provided, however,* That persons properly registered and licensed as Geodetic Engineers may among themselves or with a person or persons properly registered and licensed as Geodetic Engineer, may form and obtain registration with the Securities and Exchange Commission (SEC) of a firm, partnership or association using the term "Geodetic Engineers," but nobody shall be a member, partner or associate unless he is a duly registered and licensed Geodetic Engineer, and the members who are Geodetic Engineers shall only render work and services proper for a Geodetic Engineer as defined in this Act.

Section 25. *Integration of the Geodetic Engineering Profession.*- The Geodetic Engineering profession shall be integrated into one (1) national organization which shall be recognized by the Board and by the Commission as the one and only integrated and accredited Association of Professional Geodetic Engineers. Upon registration with the Board, every professional Geodetic Engineer shall automatically become a member of the integrated and accredited national organization and shall receive the benefits and privileges appurtenant thereto. Those who have been registered with the Board but not members of the said integrated and accredited organization at the time of the effectivity of this Act, shall be allowed to register as members of the said organization within three (3) years after the effectivity of this Act. Membership in the integrated and accredited organization shall not be a bar to membership in other associations of the Geodetic Engineering profession.

Section 26. *Foreign Reciprocity.*- No foreign Geodetic Engineer shall be issued a temporary license to practice the Geodetic Engineering profession or consultancy thereof or be entitled to any of the rights and privileges under this Act unless the country of which he is a subject or citizen specifically permits Filipino Geodetic Engineers to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.

Article VI
GENERAL PROVISIONS

Section 27. *Implementing Rules and Regulations.*- Subject to the approval of the Commission, the Board shall adopt and promulgate such rules and regulations, including the Code of Ethics for Geodetic Engineers, to carry out the provisions of this Act, which shall be effective after thirty (30) days following their publication in the *Official Gazette* or in a major daily newspaper of general circulation.

Section 28. *Funding.*- Such sums as may be necessary to carry out the provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter: *Provided, however,* That fifty percent (50%) of the fees derived from examination, registration and licenses shall be utilized by the Board to defray its administrative and other operational expenses, including the enhancement of the Geodetic Engineering profession.

Section 29. *Enforcement.*- The Professional Regulation Commission shall be the enforcement agency of the Board. As such, the Commission shall implement the provisions of this Act, enforce its implementing rules and regulations as adopted by the Board, conduct investigations upon complaints, including violations of the Code of Conduct of the profession and prosecute when so warranted.

Section 30. *Transitory Provisions.*- (a) The existing Board of Geodetic Engineering shall continue to function in the interim until such time as the new Board shall be duly constituted pursuant to this Act. (b) Examinations for Junior Geodetic Engineers shall cease to be conducted upon effectivity of this Act; (c) Incumbent Junior Geodetic Engineers may continue to practice as such for a period of five (5) years from effectivity of this Act, within which they shall be required to finish the Bachelor of Science in Geodetic Engineering course, the completion of which shall qualify them to take the Geodetic Engineer Licensure Examinations.

Section 31. *Penalties.*- In addition to the administrative sanctions, any person who violates any of the provisions of this Act shall, upon conviction, be penalized by a fine of not less than Fifty thousand pesos (P50,000.00) nor more than Two hundred thousand pesos (P200,000.00), or imprisonment of not less than six (6) months nor more than six (6) years, or both such fine and imprisonment, at the discretion of the court.

Section 32. *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 merely be confined to the clause, provision, paragraph or part directly involved in the controversy upon which such judgment has been rendered.

Section 33. *Repealing Clause*.- Republic Act No. 4374, Presidential Decree Nos. 202 and 335 are hereby repealed. All other laws, decrees, executive orders and other administrative issuances and parts thereof which are inconsistent with the provisions of this Act are hereby modified, superseded or repealed accordingly.

Section 34. *Effectivity*.- This Act shall take effect fifteen (15) days following its publication in the *Official Gazette* or major daily newspaper of general circulation in the Philippines, whichever is earlier.

Approved:

NEPTALI A. GONZALES
President of the Senate

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

This Act which is a consolidation of House Bill No. 7863 and Senate Bill No. 2392 was finally passed by the House of Representatives and the Senate on February 13, 1998.

HEZEL P. GACUTAN
Secretary of the Senate

ROBERTO P. NAZARENO
Secretary General House of Representatives

Approved:

February 26, 1998

FIDEL V. RAMOS
President of the Philippines