

[REPUBLIC ACT NO. 8495, February 12, 1998]

**AN ACT REGULATING THE PRACTICE OF MECHANICAL
ENGINEERING IN THE PHILIPPINES**

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

ARTICLE I. TITLE, STATEMENT OF POLICY AND DEFINITION OF TERMS

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

SEC. 2. *Statement of Policy.* - The State recognizes the importance of mechanical engineers in nation building and development. Their talents through sustainable human development shall be promoted. Thus, the State shall develop and nurture competent, virtuous, productive, and well-rounded mechanical engineers whose standard of professional practice and service shall be excellent, qualitative, world-class and globally competitive through regulatory measures, programs and activities.

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

a. *Practice of Mechanical Engineering* - A person shall be deemed to be practicing mechanical engineering or rendering mechanical engineering service within the meaning and intent of this Act when he performs the following:

1. Consultation, valuation, investigation and management services requiring mechanical engineering knowledge;
2. Engineering design, preparation of plans, specifications and projects studies or estimates for mechanical equipment, machinery, or processes of any mechanical works, projects or plants;
3. Management or supervision of the erection, installation, alteration, testing and commissioning of mechanical equipment, machinery, or processes in mechanical works, projects or plants;
4. Management, supervision, operation, tending or maintenance of any mechanical equipment, machinery or processes in mechanical work, projects or plants;
5. Management or supervision of the manufacture, sale, supply or distribution of mechanical equipment, parts or components;

6. Teaching of mechanical engineering professional subjects in government recognized and accredited engineering schools; and

7. Employment in government as a professional mechanical engineer, registered mechanical engineer, or certified plant mechanic if the nature and character of his work is in line with his profession, requiring professional knowledge of the science of mechanical engineering.

b. *Mechanical equipment or machinery* - includes all prime movers such as steam engines and turbines, internal combustion engines and gas engines and turbines; steam generators such as boiler; furnaces; heat exchanger such as cooling towers, kilns and dryers, coolers and heaters; materials handling equipment, such as pumps, cranes, conveyors, hoists, elevators, escalators, mechanized dumb-waters, moving ramps and walkways; heating, air-conditioning, ventilating, and refrigeration equipment and machinery, including compressors and centrifugal fans, mechanical pollution abatement and environmental control system; piping system with a working pressure of not less than 70 kpa., fired and unfired pressure vessels, printing machines; mechanical working machines for metallic and nonmetallic materials and other mechanical equipment and machinery whether installed on land, underground, or on board watercraft.

c. Mechanical processes, works, projects or plants shall include steam plants, geothermal plants, dendro-thermal plants, nuclear plants, ocean thermal energy conservation (OTEC) plants, internal combustion plants, hydraulic plants, pumping plants, compressed gas plants, all kinds of mills, shops, factories, shipyards, dry docks, heating, air-conditioning, ventilating and refrigeration plants containing any mechanical equipment, machinery or process deriving power from steam, fossil fuels, wind, air, gas, water, solar heat, nuclear energy, ocean waves and tides, or other energy sources.

d. Capacity of process works, projects or plant-rated capacity in kilowatt of mechanical works, projects or plants for the purpose of this Act shall be the total kilowatt ratings of all engines, motors, boilers, turbines, or other prime movers installed for use in such works, projects or plants, whether in operation or not, and without regard to the number of capacities of the mechanical equipment, machinery or processes receiving power from or intended to be driven by such prime movers.

ARTICLE II. BOARD OF MECHANICAL ENGINEERING

SEC. 4. *Creation and Composition of the Board of Mechanical Engineering.* - There is hereby created a Board of Mechanical 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 Professional Regulation Commission, hereinafter referred to as the Commission, from a list of five nominees submitted by the duly accredited association of mechanical engineers in the Philippines. The Board shall be organized not later than six (6) months from the effectivity of this Act.

SEC. 5. *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 thirty-five (35) years of age;
- (c) Holder of the degree of Bachelor of Science in Mechanical Engineering or its equivalent, conferred by a school, academy, college or university in the Philippines or abroad that is accredited by the Commission on Higher Education (CHED);
- (d) A Professional Mechanical Engineer with a valid professional license and an active practitioner as such, for not less than ten (10) years prior to his appointment;
- (e) Must not, for a period of three (3) consecutive years prior to appointment, be a member of the faculty of any school, academy, institute, college or university where a regular course in mechanical engineering is being taught, nor has pecuniary interest in or administrative supervision over any such institutions of learning;
- (f) 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
- (g) Has never been convicted of any offense involving moral turpitude.

SEC. 6. *Term of Office.* - A member of the Board shall hold office for a term of three (3) years from the date of his appointment or until his successor shall have been qualified and duly appointed, unless, however, that such incumbent member has been reappointed for another three (3) year term. No member of the Board shall serve for more than two (2) regular terms. Any vacancy occurring within the term of a member due to resignation, conviction of any kind, disability or death, shall be filled by appointment by the President of the Philippines; and such member appointed shall serve for the unexpired portion of the term vacated without prejudice to serve for a maximum of two (2) full terms. If the appointee comes from the incumbent Board, he shall serve the remaining vacated term in addition to the previous years he had already served and shall be qualified for reappointment in his new position: *Provided*, his aggregate number of years of service shall not exceed two (2) regular full terms.

Each member of the Board shall take his oath of office prior to the official performance of his duties.

SEC. 7. *Compensation and Allowances of the Board Members.* - The Chairman and members of the Board shall receive compensation and allowances comparable to the compensation and allowances being received by the Chairmen and members of existing regulatory boards with the Commission and as may be provided for in the General Appropriations Act.

SEC. 8. *Supervision of the Board, Custodian of its Records, Secretariat and Support Services.* - The Board shall be under the general supervision of the Commission. All records of the Board, including applications for examination, examination papers and results, minutes of deliberation, administrative cases, and other investigative cases involving the profession 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.

SEC. 9. *Power 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 registration, licensure and practice of mechanical engineers in the Philippines;
- c. To administer oaths in connection with the successful examinees entering the practice of Mechanical Engineering;
- d. To issue the certificate of registration to successful examinees;
- e. To issue, suspend and/or revoke, after due process certificates of registration and issue, cancel and suspend professional license or cancel special permits for the practice of mechanical engineering, for causes provided by law;
- f. To adopt an official seal of the Board;
- g. To look into the conditions affecting the practice of the mechanical 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 prescribe and/or adopt a Code of Ethical and Professional Standards for the practice of the mechanical engineering profession;
- i. To hear and try administrative cases involving violations of this Act, its Implementing Rules and Regulations, the Code of Ethics for Mechanical Engineers, and for this purpose, to issue subpoena and subpoena duces tecum to secure the appearance of witnesses and the production of documents in connection therewith;
- j. Prescribe guidelines in the Continuing Professional Education (CPE) program in coordination with accredited association of mechanical engineers;
- (k) Prepare, adopt, issue or amend the syllabi of the subjects for examinations;
- k. Approve, issue, limit or revoke temporary license to practice mechanical engineering; and

- I. Discharge such other duties and functions as may be deemed necessary for the enhancement of the mechanical engineering profession and the upgrading, development and growth of mechanical engineering education in the Philippines.

SEC. 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 a detailed account of its proceedings and accomplishments during the year and making recommendations for the adoption of measures that will upgrade and improve the conditions affecting the practice of mechanical engineering in the Philippines.

SEC. 11. *Removal of Board Member.* - The President upon recommendation of the Commission may remove any member of the Board on the following grounds; neglect of duty or incompetence, violation or tolerance of the violation of this Act or the Code of Ethics for Mechanical Engineering, final judgment of crimes involving moral turpitude, after having given the member an opportunity to be heard and/or defend himself in a proper administrative investigation.

ARTICLE III. EXAMINATION, REGISTRATION AND LICENSE

SEC. 12. *Examination Required.* - All applicants for registration for the practice of mechanical engineering shall be required to undergo and pass a written technical examination as provided for in this Act.

SEC. 13. *Categories.* - Certificates of registration for the practice of mechanical engineering shall be of three (3) categories and in order of rank as follows:

- (a) Professional Mechanical Engineer;
- (b) Mechanical Engineer; and
- (c) Certified Plant Mechanic.

SEC. 14. *Qualifications of Applicants for Professional Mechanical Engineer.* - Any applicant to the Professional mechanical engineering examination must, at the time of filing of his application, establish to the satisfaction of the Board that:

- a. He is a citizen of the Philippines;
- b. He must not have been convicted by a court of law of a crime involving moral turpitude;
- c. He has a valid certificate of registration and he is a registered mechanical engineer and a holder of a valid professional license;
- d. He has graduated from an engineering school or college of recognized standing, after completing an approved course in mechanical engineering;
- e. He has specific record of a total of four (4) years or more of active mechanical engineering practice, reckoned from the time he has registered a mechanical