

[BOARD RESOLUTION NO. 063, S. 2018, April 13, 2018]

REGULATION OF THE MANUFACTURING, IMPORTATION, EXPORTATION, DISTRIBUTION, SALE, RENTAL, AND OTHER COMMERCIAL ACTIVITIES INVOLVING ALL TECHNICAL VARIATIONS OF OPTICAL AND MAGNETIC MEDIA

Adopted: 01 March 2018

Date Filed: 13 April 2018

WHEREAS, Sec. 5 of RA 4566 has expressly clothed the Board the duty and power to issue the Rules and Regulations (IRR) of RA 4566 as may be deemed necessary to carry out the provisions of this Act;

WHEREAS, pursuant to the rule-making authority granted by the law, the Board promulgated the IRR;

WHEREAS, construction contracting is a practice of profession as could be gleaned from the Explanatory Note of RA 4566 and from RA 465 as amended by RA 6511 which included contractors among its enumeration of professionals;

WHEREAS, construction contracting, being a practice of profession must verily comply with the provisions of the Philippine Constitution under Art. 12, Sec. 14 which states that "the practice of all professions in the Philippines shall be limited to Filipino citizens save in cases prescribed by law";

WHEREAS, the Philippine Constitution, under Art. 2, Sec. 19 declared it a state policy to develop a self-reliant and independent national economy effectively controlled by Filipinos;

WHEREAS, effective control by Filipinos is translated by the Board as shares in the corporate profits or surplus, corporate assets and corporate control;

WHEREAS, construction contracting is imbued with a tremendous amount of public interest, owing to the huge investments poured into infrastructure projects by both the government and private sector;

WHEREAS, to make effective the provisions of Art. 1723 of the Civil Code and Rule 62.2.3.1 of the Revised IRR of RA 9184 on contractor's liability and warranties, safeguards need be instituted to protect public interest against project abandonment, project delay, substandard quality of work and the like;

WHEREAS, in consideration of all the foregoing, the Board established the criteria for the issuance of the license, to classify and limit the operations of contractors under Sec. 17 of RA 4566;