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Honorable **ANTONIO "SONNY" F. TRILLANES IV**
Chairman
Committee on Civil Service and Government Reorganization
Philippine Senate
Pasay City

Dear Chairman Trillanes:

I am writing regarding Senate Bill 2770, or the bill professionalizing the practice of civil engineering in the Philippines, repealing Republic Act 544, as amended.

We commend the Senate, in particular your Committee, for initiating deliberations on this measure. We take note that your Committee conducted a hearing on SB 2770 last August 9, 2011. Unfortunately, we did not have the opportunity to participate.

We have articulated our position during the last Technical Working Group meeting on the Environmental Planning bill ably conducted by your Chief of Staff, Atty. Ray Robles, on August 4, 2011 which we were privileged to attend. The general statements of the Joint Foreign Chambers in its letter dated August 3, 2011 also apply to this bill.

In addition, may we submit for your Committee's consideration our comments on specific sections of the above bill.

1. Sec. 13

"Sec. 13. Qualifications For Examination - Any person applying for admission to the Civil Engineering examination as herein provided shall, prior to the date of the examination, establish to the satisfaction of the Board that he/she has the following qualifications: (a) Be at least twenty-one (21) years of age; (b) **Be a citizen of the Philippines**; (c) Be of good reputation and moral character; and (d) Be a holder of a bachelor's degree in civil engineering from a recognized and legally constituted school, institute, college, or university." (Emphasis ours)

We propose to amend this Section as it unduly restricts the practice of foreign civil engineers in the country. Our proposed language, copied from the most recent law passed regulating professions, Republic Act 10029, on the practice of psychology, is as follows:

“Sec. 13. Qualifications For Examination - Any person applying for admission to the Civil Engineering examination as herein provided shall, prior to the date of the examination, establish to the satisfaction of the Board that he/she has the following qualifications: xxx; b) a Filipino citizen, a permanent resident or a citizen of a foreign state/ country which extends reciprocity to the Philippines relative to the practice of the profession; xxx”

2. Sec. 30

“Sec. 30. Practice Of Profession By Foreign Nationals - All foreign nationals, including former Filipino citizens desiring to practice the profession of Civil Engineering in the Philippines and are authorized by law to practice Civil Engineering in the Philippines, shall apply for a special temporary permit from the Board subject to approval of the Commission, in accordance with the provisions of section 7(j) of Republic Act No. 8981. Except for cases where the foreign national has already been issued a special temporary permit, the agencies, organizations, or individuals, whether public or private, who secure the services of a foreign national authorized by law to practice Civil Engineering in the Philippines shall be responsible for securing a special temporary permit from the Board, subject to approval of the Commission.

No working permit, temporary or permanent visa shall be issued by any government agency to any foreign national intending to practice Civil Engineering in the Philippines without complying with these provisions.

A foreign Civil Engineer or any person not authorized to practice Civil Engineering in the Philippines, or a foreign Civil Engineer authorized to practice Civil Engineering in the Philippines but has not been issued a special temporary permit from the Board, who shall stay in the country and perform any of the activities mentioned in Section 2 of this Act or any other activity analogous thereto, shall be deemed engaged in the unauthorized practice of Civil Engineering.

While the thrust of this administration is to level the playing field, it is ironic that the above amendment to a 1950 law is even more restrictive than the old law which provides for reciprocity.* We propose to insert in lieu of the above provision a generic reciprocity provision common in laws regulating profession, to wit:

* Section 25. *Reciprocity requirements.*” No person who is not a citizen of the Philippines at the time he applies to take the examination shall be allowed to take it unless he can prove in the manner provided by the Rules of Court that, by specific provision of law, the country of which he 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 an examination on terms of strict and absolute equality with citizens, subjects, or nationals of the country concerned, including the unconditional recognition of degrees issued by institutions of learning duly recognized for the purpose by the Government of the Philippines: Provided, That if he is not a citizen of the Philippines, and was

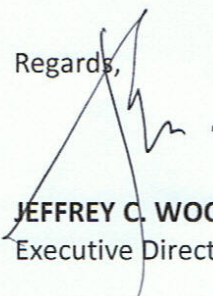
"No foreign _____ shall be given a certificate of registration/professional license and professional identification card or be entitled to any of the privileges under this Act unless the country of state of which he is a subject or a citizen permits Filipino _____ to practice within its territorial limits on the same basis as the subjects or citizens of said country or state."

The reduction of restrictions on foreign professionals practicing in the Philippines is a priority issue that needs to be addressed to enhance the competitiveness of the Philippines and to level the playing field in the economy. This is of the highest importance if the Philippines is to enter into new free trade agreements with the United States and with Europe which allow the free movement of trade in services and exchanges with providers of professions.

We strongly support policies geared towards a level playing field for Filipino and foreign business partnering for the faster development of the Philippines.

Mr. Chairman, thank you for considering our views. We would be happy to elaborate on the above at the Technical Working Group meeting to be called by your Committee.

Regards,



JEFFREY C. WOODRUFF
Executive Director

admitted to the practice of a profession in the Philippines after December 8, 1941, his active practice in that profession, either in the Philippines or in the state or country where he was practicing his profession, shall not have been interrupted for a period of two years or more prior to July 4, 1946, and that the country or state from which he comes allows the citizens of the Philippines by specific provision of law, to practice the same profession without restriction or on terms of strict and absolute equality with citizens, subjects or nationals of the country or state concerned.