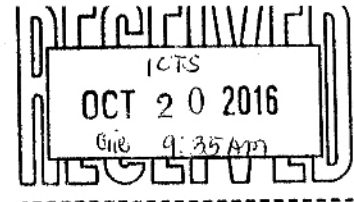




OFFICE OF THE SECRETARY  
Elliptical Road, Diliman  
Quezon City 1100  
Philippines



27 September

**MEMORANDUM CIRCULAR**

No. 04  
Series of 2016

**TO :** ALL UNDERSECRETARIES, ASSISTANT SECRETARIES, OSEC SERVICE DIRECTORS, BUREAU DIRECTORS, REGIONAL EXECUTIVE DIRECTORS, HEADS OF ATTACHED AGENCIES AND CORPORATIONS, AND PROGRAM DIRECTORS/COORDINATORS OF BANNER PROGRAMS AND FOREIGN ASSISTED PROJECTS

**ATTENTION :** HEAD OF AGRICULTURAL/FISHERY ENGINEERING DIVISION OR GROUP, AGRICULTURAL ENGINEERS, HUMAN RESOURCE MANAGEMENT OFFICERS/ PERSONNEL OFFICERS, ADMINISTRATIVE OFFICERS AND ALL OTHER CONCERNED

**SUBJECT :** ENACTMENT OF REPUBLIC ACT NO. 10915 OTHERWISE KNOWN AS THE PHILIPPINE AGRICULTURAL AND BIOSYSTEMS ENGINEERING ACT OF 2016

This is to inform you that Republic Act No. 10915, otherwise known as the Philippine Agricultural and Biosystems Engineering Act of 2016 or ABE Law was enacted last July 21, 2016 and became effective as a law last August 16, 2016. A copy of the law can be downloaded at: [https://www.senate.gov.ph/republic\\_acts/ra%2010915.pdf](https://www.senate.gov.ph/republic_acts/ra%2010915.pdf).

Relative to the above, attention is invited to the pertinent provisions of Republic Act No. 10915, quote:

**"Section 4. Definition of Terms.** – As used in this Act, the following terms shall mean:

- (a) ***Agricultural and Biosystems Engineering*** refers to the application of engineering science and designs to the processes and systems involved in the sustainable production, post production and processing of safe food, feed, fiber, timber and other agricultural and biological materials and the efficient utilization, conservation, and management of natural and renewable resources in order to enhance human health in harmony with the environment. Agricultural and biosystems consist of crops, forestry and other plants, poultry, livestock, fisheries and aquaculture resources and other animals, wildlife and other living things;

**Section 5. Scope of Practice of Agricultural and Bio-systems Engineering-** *The practice of Agricultural and Biosystems Engineering within the meaning and intent of this Act shall embrace, but not limited to, the following:*

- a) Preparation of engineering designs, plans, specifications, project studies, feasibility studies and estimates of irrigation and drainage, soil and water conservation and management systems and facilities, agrometeorological systems, agricultural and biosystems power and machinery, agricultural and biosystems buildings and structures, renewable/bio-energy systems and farm electrification, agricultural and bio-processing and post harvest facilities and system, agricultural and biological waste utilization and management, agricultural and bio-information system, agricultural and biosystems resource conservation and management, and agricultural and bio-automation and instrumentation system;
- b) Supervision or management on the construction, operation and maintenance of irrigation and drainage, soil and water conservation and management systems and facilities, agrometeorological systems, agricultural and biosystems power and machinery, agricultural and biosystems buildings and structures, renewable/bio-energy systems and farm electrification, agricultural and bio-processing and post harvest facilities and system, agricultural and biological waste utilization and management, agricultural and bio-information system, agricultural and biosystems resource conservation and management, and agricultural and bio-automation and instrumentation system;
- c) Valuation, appraisal, investigation, inspection, monitoring and technical audit on agricultural and biosystems machineries and equipment, structures and facilities and agricultural and biosystems engineering projects;
- d) Program/Project development and management, planning, evaluation and consultancy services on agricultural and biosystems engineering undertakings;
- e) Conduct of research and development, training and extension on agricultural and biosystems engineering;
- f) Testing, evaluation and inspection of agricultural and biosystems machinery, and other related agricultural and biosystems engineering facilities, equipment and projects;
- g) Manufacture, distribution, installation and sale of agricultural and biosystems machinery and other related agricultural and biosystems engineering facilities and equipment;
- h) Teaching and or/conduct of lectures of agricultural and biosystems engineering subjects in institution of learning in the Philippines;

- i) Preparation and evaluation of farm development plans, farm suitability maps and land use maps/reports for agricultural, livestock and poultry, fishery, aquaculture and forest production and processing;
- j) Training and supervision of agri-fishery machinery technicians and operators of agri-fishery machinery service centers/pools, and agricultural and biosystems engineering technicians and operators in agricultural and biosystems plants, establishments, facilities and projects;
- k) Employment with the government and private firms and establishments provided such item or position requires the knowledge and expertise of an Agricultural and Biosystems Engineer, or its duties and responsibilities covers the scope of practice agricultural and biosystems engineering; and
- l) Participation in the preparation of environmental studies for agricultural, fisheries, agro-industrial and biosystems projects and its monitoring under the environmental impact assessment (EIA) system;

**Section 26. Vested Right- Automatic Registration of Practicing Agricultural and Biosystems Engineers.** – All agricultural engineers who are registered under Republic Act No. 8559 at the time this Act takes effect, shall automatically be registered as agricultural and biosystems engineers.

**Section 27. Seal and Use of Seal- XXX**

- b) No officer or employee of the government, chartered cities, provinces and municipalities now or hereinafter charged with the enforcement of laws, ordinances or regulations relating to the implementation, construction, repair, operation and maintenance, testing and evaluation of agricultural and biosystems buildings, structures, machineries and equipment, irrigation, soil and water conservation structures and other agricultural and biosystems engineering facilities, shall accept or endorse any plans, designs, specifications or project studies 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 specifications of which have not been so prepared, signed and sealed by a duly registered agricultural and biosystems engineer. This provision shall be implemented by the Department of Public Works and Highways (DPWH) and Local Building Officials in the issuance of building permits and certificate of occupancy under the National Building Code, and by all concerned national government entities and local government units (LGUs) in the procurement and in the discharge of their regulatory and auditing functions pertaining to agricultural and biosystems buildings, structures, machineries and equipment, irrigation, soil and water conservation structures, and other agricultural and biosystems engineering facilities/projects. XXX

- e) All drawings, plans, specifications and other documents and reports to be used for the design, construction, test and evaluation, research and extension of agricultural and biosystems buildings, structures, machineries and equipment, irrigation, soil and water conservation structures and other Agricultural and biosystems engineering facilities/projects shall be signed and sealed by a licensed agricultural and biosystems engineer.

Violation of any of the foregoing shall be ground for administrative and/or criminal action.

**Section 33. Positions in Government and Private Firms and Establishments with Agricultural and Biosystems Engineering Functions.** - Only registered and licensed agricultural and biosystems engineers with valid PRC license shall be appointed or designated to all positions in government and private firms and establishments with agricultural and biosystems engineering functions and responsibilities, which shall include, but not be limited to, the following:

- a) All levels of engineer positions in the Agricultural Engineering or Agricultural and Fishery Engineering and Forest Engineering Bureau/Division/Section/Unit of the Department of Agriculture (DA), LGUs, and in the Department of Agrarian Reform (DAR), the Department of Environment and Natural Resources (DENR) and other concerned government entities whose duties, functions and responsibilities constitute the practice of agricultural, and biosystems engineering pursuant to Section 5 of this Act; XXX
- c) All levels of science research specialist/assistant positions in government and private institutions whose main duties and functions involve research and development and training and extension on agricultural and biosystems engineering; XXX
- d) Head or assistant head, director or manager and other executive positions of agricultural or agricultural and biosystems or agricultural and fisheries engineering or aquaculture engineering or forest engineering group, unit, section, division, bureau, department, center and branch in all national government departments or agencies, government-owned and -controlled corporations, LGUs and colleges and universities, private offices, firms and establishments.
- e) Head or assistant head, director or manager and other executive positions of a group, unit, section, division, bureau, department, center or branch of any of the specialized areas of agricultural and biosystems engineering in government and private firms, offices and establishments.
- f) All levels of planning officer, project evaluation officer, project development officer, development management officer, environmental management specialist and technical audit specialist positions in government and private firms and offices that deal with, or undertake any of the specialized areas of agricultural and biosystems engineering or its main functions and responsibilities which involve the planning, project development, evaluation, inspection, monitoring and technical audit of agricultural and biosystems infrastructure, facilities, machineries and processes and other agricultural and biosystems engineering facilities; and

- g) All professional and sub-professional positions either supervisory or non-supervisory and career executive positions in government, and all other positions in private firms, establishments and enterprises whose duties, functions and responsibilities mainly constitute the practice of agricultural and biosystems engineering. XXX

#### **Section 34. Personnel Required.-**

- a) All concerned national government agencies, LGUs and SUCs implementing, regulating, funding and undertaking research, development, training and extension, testing, evaluation and inspection as well as technical audit of irrigation, farm mechanization, post harvest and agro-processing facilities, agricultural and biosystems infrastructures, farm-to-market roads, agro-meteorology, forest mechanization development programs, and environmental protection and conservation programs and projects shall employ the required number of agricultural and biosystems engineers, and for this purpose, create various levels of agricultural and biosystems engineer positions;
- b) All agricultural and biosystems engineering facilities/projects supervised and maintained or accredited by the government such as grain/agro-processing complex, slaughterhouse, communal and national irrigation system, agricultural machinery and equipment service centers, and testing and evaluation centers must have at least one (1) registered and licensed agricultural and biosystems engineer; XXX
- d) All contractors of irrigation, farm-to-market roads and agricultural and biosystems structures and facilities shall have at least one (1) registered and licensed agricultural and biosystems engineer as part of their sustaining technical employees; XXX

*Provided, That there shall be no understaffing and/or overloading of agricultural and biosystems engineers. The ratio of agricultural and biosystems engineers to clientele shall be such as to reasonably effect a sustained quality of agricultural and biosystems engineering services at all times without overworking the agricultural and biosystems engineers. XXX*

**Section 35. National Career Progression and Specialization Program.** - The Agricultural and Biosystems Engineering Specialization shall include, but not limited to, the following:

- a) Agricultural and Biosystems Power and Machinery;
- b) Irrigation and Drainage Engineering;
- c) Soil and Water Conservation Engineering;
- d) Agricultural and Biosystems Buildings and Structures;
- e) Agricultural and Bio-process Engineering;
- f) Food Engineering;
- g) Renewable/Bio-Energy and Farm Electrification;
- h) Agricultural and Biological Waste Management;
- i) Aquacultural Engineering;
- j) Forest Engineering;
- k) Agricultural and Biosystems Automation and Instrumentation;

- l) Agricultural and Bio-Information System;
- m) Agrometeorology; and
- n) Agricultural and Biological Resource Conservation and Management.

**Section 42. Penalties.** - In addition to the administrative sanctions imposed under this Act, any person who violates any of the provisions of this Act, or any of the following acts shall, upon conviction, be penalized by a fine of not less than one hundred thousand pesos (P100,000.00) but not more than five hundred thousand pesos (P500,000.00), or imprisonment of not less than six (6) months but not more than five (5) years, or both fine and imprisonment, at the discretion of the court:

- a) Engaging in the practice of agricultural and biosystems engineering in the Philippines without being registered or without conforming to the provisions of this Act;
- b) Presenting or attempting to use as his/her own the COR and/or professional identification card of another registered agricultural and biosystems engineer or a holder of a TSP;
- c) Giving any false or forged evidence of any kind to the Board, or impersonating any registered agricultural and biosystems engineer or a holder of a TSP;
- d) Using a revoked or suspended COR; or an expired or unrenewed professional identification card or TSP;
- e) Using in connection with his/her name or otherwise assuming, using or advertising any title or description tending to convey the impression that he/she is an agricultural and biosystems engineer without holding a valid COR and professional identification card or a valid TSP;
- f) Implementing or causing the implementation of any plans, designs, technical specifications and other documents not prepared and signed by a registered agricultural and biosystems engineer in those cases where this Act specifically requires that these be prepared and signed by a registered agricultural and biosystems engineer; and
- g) Violating any of the provisions of this Act and the rules and regulations thereof. XXX"

For your information and guidance.

**EMMANUEL A. PIÑOL**  
Secretary

DEPARTMENT OF AGRICULTURE  
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