

“PRIVATE PRACTICE OF PROFESSION OF GOVERNMENT OFFICIALS AND EMPLOYEES”

presented to

**Geodetic Engineers of the Philippines, Inc.
CORDILLERA ADMINISTRATIVE REGION DIVISION
32nd ANNUAL REGIONAL CONVENTION**

Municipal Gym, Kiangan, Ifugao

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**CAN A GOVERNMENT EMPLOYED
GEODETTIC ENGINEER ENGAGE
DIRECTLY IN THE PRIVATE PRACTICE
OF HIS PROFESSION?**

LEGAL BASES:

- **RA 8560 “ Philippine Geodetic Engineering Act of 1998, as amended.**
- **RA 7160 “ Local Government Code of the Philippines.**
- **OP MC No. 1025 issued on Nov. 25, 1977.**
- **OP MC No. 17 issued on Sept. 4, 1986**
- **Sec. 12, Rule XVIII Revised Civil Service Rules**
- **RA 6713 “Code of Conduct and Ethical Standards for Public Officials and Employees”**
- **DILG Circular No. 2016-14 issued on August 22, 2016.**

RA 8560, Art. III, Sec. 8 – Powers and duties of the board:

Sec. 8 (i) To prescribed and/or adopt a Code of Ethical and Professional Standards for the Practice of Geodetic Engineering profession.

CODE OF ETHICAL AND PROFESSIONAL STANDARD FOR THE GEODETIC ENGINEERING PROFESSION:

It will be considered unethical for him to:

Sec. 2 Par. C (8) – To use the advantages of being a salaried employee to compete unfairly with the geodetic engineers or junior geodetic engineers in private practice.

It will be considered unethical for him to:

Sec. 2 Par. C (3) –

Underbid another geodetic engineer or junior geodetic engineer by reducing his usual rate after knowing the rate offered by the other geodetic engineer or junior geodetic engineer.

RA 7160, Sec. 90 – Practice of Profession

ADMINISTRATIVE ORDER NO. 270 –

Implementing Rules and Regulations of the Local Government Code of 1991 (RA 7160).

Art. 177, Practice of Profession

(a) All governors, city and municipal mayors are **prohibited from practicing their professions,** engage in any occupation other than the exercise of their functions as local chief executives.

(b) **Sanggunian members** may practice their professions, engage in any occupation or teach in schools **except** during session hours, provided that sanggunian members who are also members of the Bar **shall not** :

(1) Appear as counsel before any court in any civil case wherein an LGU or any office, agency, or instrumentality of the government is the adverse party;

(2) Appear as counsel before any court in any criminal case wherein an officer or employee of the national or local government is accused of an offense committed in relation to his office;

(3) Collect any fee for their appearance in administrative proceedings involving the LGU of which he is an official; and

(4) Use property and personnel of the government **except** when the sanggunian member concerned in defending the interest of the government;

(c) Doctors of medicine may practice their profession even during official hours of work only on occasions of emergency, **provided** that the officials concerned do not derive monetary compensation therefrom.

**MEMORANDUM CIRCULAR NO.
1025 DATED NOVEMBER 25, 1977**

“ PROHIBITING ANY GOVERNMENT OFFICIAL
OR EMPLOYEE FROM ACCEPTING PRIVATE
EMPLOYMENT IN ANY CAPACITY **WITHOUT
PRIOR AUTHORITY FROM THE OFFICE OF THE
PRESIDENT** “.

**MEMORANDUM CIRCULAR NO. 17,
DATED SEPTEMBER 4, 1986**

MEMORANDUM CIRCULAR No. 1025 dated Nov. 25, 1977 “ PROHIBITING ANY GOVERNMENT OFFICIAL OR EMPLOYEE FROM ACCEPTING PRIVATE EMPLOYMENT IN ANY CAPACITY WITHOUT PRIOR AUTHORITY FROM THE OFFICE OF THE PRESIDENT”, **is hereby revoked** .

THE AUTHORITY TO GRANT PERMISSION TO ANY OFFICIAL OR EMPLOYEE SHALL BE GRANTED BY THE **HEAD OF THE MINISTRY OR AGENCY** IN ACCORDANCE WITH **SECTION 12, RULE XVIII OF THE REVISED CIVIL SERVICE RULES**, WHICH PROVIDES:

SECTION 12, RULE 18 OF THE REVISED CIVIL SERVICE RULES

“ NO OFFICER OR EMPLOYEE SHALL ENGAGE DIRECTLY IN ANY PRIVATE BUSINESS, VOCATION, OR PROFESSION OR BE CONNECTED WITH ANY COMMERCIAL, CREDIT, AGRICULTURAL, OR INDUSTRIAL, OR INDUSTRIAL UNDERTAKING WITHOUT WRITTEN PERMISSION FROM THE HEAD OF THE DEPARTMENT “.

OP MC No. 17, dated 4 September 1986

PROVIDED THAT THIS **PROHIBITION WILL BE ABSOLUTE** IN THE CASE OF THOSE OFFICERS AND EMPLOYEES WHOSE DUTIES AND RESPONSABILITIES REQUIRE **THAT THEIR ENTIRE TIME BE AT THE DISPOSAL OF THE GOVERNMENT;**

OP MC No. 17 dated 4 Sept. 1986.

PROVIDED, FURTHER, THAT IF AN EMPLOYEE IS GRANTED PERMISSION TO ENGAGE IN OUTSIDE ACTIVITIES, THE **TIME SO DEVOTED OUTSIDE OF OFFICE HOURS SHOULD BE FIXED BY THE CHIEF OF THE AGENCY** TO THE END THAT IT WILL NOT IMPAIR IN ANY WAY THE EFFICIENCY OF THE **OFFICER OR EMPLOYEE:**

OP MC No. 17, dated 4 Sept. 1986

AND PROVIDED, FINALLY, THAT NO PERMISSION IS NECESSARY IN THE CASE OF INVESTMENTS, MADE BY AN OFFICER OR EMPLOYEE, WHICH **DO NOT INVOLVE ANY REAL OR APPARENT CONFLICT BETWEEN HIS PRIVATE INTEREST AND PUBLIC DUTIES, OR IN ANY WAY INFLUENCE HIM IN THE DISCHARGE OF HIS DUTIES, AND HE SHALL NOT TAKE PART IN THE MANAGEMENT OF THE ENTERPRISE OR BECOME AN OFFICER OR MEMBER OF THE BOARD OF DIRECTORS**".

OP MC No. 17, dated 4 Sept. 1986

SUBJECT TO ANY **ADDITIONAL CONDITIONS**
WHICH THE HEAD OF THE OFFICE DEEMS
NECESSARY IN EACH PARTICULAR CASE IN THE
INTEREST OF THE SERVICE, AS **EXPRESSED IN**
THE VARIOUS ISSUANCES OF THE CIVIL SERVICE
COMMISSION.

CONFLICT OF INTEREST :

ARISES WHEN A PUBLIC OFFICIAL OR EMPLOYEE IS A **MEMBER OF A BOARD, AN OFFICER, OR A SUBSTANTIAL STOCKHOLDER OF A PRIVATE CORPORATION OR OWNER OR HAS A SUBSTANTIAL INTEREST IN A BUSINESS**, AND THE INTEREST OF SUCH CORPORATION OR BUSINESS, OR HIS RIGHTS OR DUTIES THEREIN, MAY BE OPPOSED TO OR AFFECTED BY THE FAITHFUL PERFORMANCE OF OFFICIAL DUTY.

RA 6713:

AN ACT ESTABLISHING A **CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES**, TO UPHOLD THE TIME-HONORED PRINCIPLE OF **PUBLIC OFFICE IS A PUBLIC TRUST**, **GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE**, **ENUMERATING PROHIBITED ACTS AND TRANSACTIONS** AND **PROVIDING PENALTIES FOR VIOLATION THEREOF** AND FOR OTHER PURPOSES.

RA 6713; **SECTION 7**, - PROHIBITED ACTS AND TRANSACTIONS

IN ADDITION TO **ACTS AND OMISSIONS** OF PUBLIC OFFICIALS AND EMPLOYEES NOW PRESCRIBED IN THE CONSTITUTION AND EXISTING LAWS, THE FOLLOWING SHALL CONSTITUTE PROHIBITED ACTS AND TRANSACTIONS OF ANY PUBLIC OFFICIAL AND EMPLOYEE AND ARE HEREBY DECLARED TO BE UNLAWFUL:

(a) X x x x x x

(b) OUTSIDE EMPLOYMENT AND OTHER ACTIVITIES RELATED THERETO – PUBLIC OFFICIALS AND EMPLOYEES DURING THEIR INCUMBENCY **SHALL NOT:**

(1) X x x x x x

(2) ENGAGE IN THE PRIVATE PRACTICE OF THEIR PROFESSION UNLESS AUTHORIZED BY THE **CONSTITUTION OR LAW**, PROVIDED, THAT SUCH PRACTICE **WILL NOT CONFLICT OR TEND TO CONFLICT** THEIR OFFICIAL FUNCTIONS;

ACTIVITIES OR SCOPE OF WORK INVOLVED IN THE DELIVERY OF SERVICE IN THE PRACTICE OF GEODETIC ENGINEERING PROFESSION

1. RECONNAISSANCE SURVEY
2. RESEARCH OF SURVEY DATA AND OTHER REFERENCES.
3. ESTABLISHMENT OF HORIZONTAL CONTROL
4. MANUFACTURE OF CONCRETE MONUMENTS
5. LOT SURVEY AND MONUMENTING
6. COMPUTATION AND LOT PLAN PREPARATION
7. PREPARATION OF COMPLETE SURVEY RETURNS
8. SUBMITTAL OF SURVEY RETURNS FOR IVAS
9. WITHDRAWAL OF APPROVED SURVEY AND/OR TECHNICAL DESCRIPTION

IN THE DELIVERY OF SERVICES ON THE ABOVE WORKS, THERE IS A VERY GREAT TENDENCY TO VIOLATE THE LAW.

IMPLEMENTING **R**ULES AND
REGULATIONS OF THE CODE OF
CONDUCT AND ETHICAL
STANDARD FOR PUBLIC OFFICIALS
(**RA 6713**)

IRR OF RA 6713

RULE X

GROUNDS FOR **ADMINISTRATIVE**
DISCIPLINARY ACTION

WHO ARE COVERED BY ADMINISTRATIVE DISCIPLINARY ACTION?

ANY OFFICIAL OR EMPLOYEE HOLDS OFFICE OR EMPLOYMENT IN A:

1. CASUAL
2. TEMPORARY
3. HOLD-OVER
4. PERMANENT
5. REGULAR

Sec. 1. IN ADDITION TO THE GROUNDS FOR ADMINISTRATIVE DISCIPLINARY ACTION PRESCRIBED UNDER EXISTING LAWS, THE **ACTS AND OMISSION OF ANY OFFICIAL OR EMPLOYEE**, WHETHER OR NOT HE HOLDS OFFICE OR EMPLOYMENT IN A CASUAL, TEMPORARY, HOLD-OVER, PERMANENT OR REGULAR CAPACITY, DECLARED UNLAWFUL OR PROHIBITED BY THE CODE, SHALL CONSTITUTE THE GROUNDS FOR ADMINISTRATIVE DISCIPLINARY ACTION, AND WITHOUT PREJUDICE TO CRIMINAL AND CIVIL LIABILITIES PROVIDED HEREIN SUCH AS:

(a) X x x x x x

(b) X x x x x x

(c) **ENGAGING IN THE PRIVATE PRACTICE OF HIS PROFESSION UNLESS AUTHORIZED BY THE CONSTITUTION, LAW OR REGULATION, PROVIDED, THAT SUCH PRACTICE WILL NOT CONFLICT OR TEND TO CONFLICT WITH HIS OFFICIAL FUNCTIONS;**

**PROHIBITION OF PROFESSIONAL TO
PRACTICE HIS PROFESSION AFTER
RESIGNATION, RETIREMENT, OR
SEPARATION FROM PUBLIC OFFICE.**

1. ANY MATTER BEFORE THE OFFICE HE USED
TO BE WITH,
2. WITHIN ONE (1) YEAR AFTER
RESIGNATION, RETIREMENT OR SEPARATION

RULE XI

PENALTIES

1. **FINE** NOT EXCEEDING THE EQUIVALENT OF SIX (6) MONTHS SALARY, OR
2. **SUSPENSION** NOT EXCEEDING ONE YEAR, OR
3. **REMOVAL** FROM SERVICE

NOTE: IF THE VIOLATION IS PUNISHABLE BY A HEAVIER PENALTY UNDER ANOTHER LAW, HE SHALL BE PROSECUTED UNDER THE LATTER STATUTE.

PENALTIES IN VIOLATION OF SECTION 7, 8, AND 9 OF THE CODE.

1. **FINE** NOT EXCEEDING FIVE (5) THOUSAND PESOS, OR
2. **IMPRISONMENT** NOT EXCEEDING FIVE (5) YEARS, OR
3. **BOTH 1 AND 2**
4. **DISQUALIFICATION** TO HOLD PUBLIC OFFICE,

IN THE DISCRETION OF THE COURT OF COMPETENT JURISDICTION.

NOTE: ANY VIOLATION HEREOF PROVEN IN A PROPER ADMINISTRATIVE PROCEEDING SHALL BE SUFFICIENT CAUSE FOR REMOVAL OR DISMISSAL OF AN OFFICIAL OR EMPLOYEE, **EVEN IF NO CRIMINAL PROSECUTION IS INSTITUTED AGAINST HIM.**

**DILG CIRCULAR No. 2016-14,
Issued on August 22, 2016,
By Sec. Ismael D. Sueno**

**GUIDELINES ON THE AUTHORITY TO PRACTICE
PROFESSION AND ACT AS LECTURER OR RESOURCE
PERSON FOR LOCAL GOVERNMENT AND INTERIOR
SECTOR OFFICIALS AND EMPLOYEES.**

Section 12, Rule XVIII of the revised Civil Service x x x x x
x x x x x x x x.

**HENCEFORTH, THE FOLLOWING GUIDELINES MUST BE
STRICTLY OBSERVED;**

DILG Circular No. 2016-14

1. NO OFFICIAL OR EMPLOYEE SHALL ENGAGE DIRECTLY IN ANY PROFESSION **WITHOUT A WRITTEN PERMISSION FROM THE UNDERSIGNED OR HIS DULY AUTHORIZED REPRESENTATIVE PURSUANT TO THE DELEGATION OF AUTHORITY** ISSUED ON THE MATTER.

DILG Circular No. 2016-14

2. OFFICIALS WITH THE **RANK OF DIRECTOR OR EQUIVALENT UP TO UNDERSECRETARY OR ITS EQUIVALENT** ARE PROHIBITED FROM PRACTICING THEIR PROFESSION AS **THEIR DUTIES REQUIRE THAT THEIR ENTIRE TIME BE AT THE DISPOSAL OF THE GOVERNMENT** AND OF THIS DEPARTMENT. HOWEVER, SAID OFFICIALS AND ALL OTHER OFFICIALS/EMPLOYEES WITH LOWER RANKS MAY BE ALLOWED TO TEACH IN A COLLEGE, UNIVERSITY OR EDUCATIONAL/TRAINING INSTITUTION OUTSIDE OF THE REGULAR WORK HOURS (i.e. after 5:00 pm).

DILG Circular No. 2016-14

3. OFFICIALS OR EMPLOYEES BELOW THE RANK OF DIRECTOR, WHO ARE **MEMBERS OF THE BAR**, MAY BE GRANTED AN AUTHORITY TO PRACTICE THEIR PROFESSION AND APPEAR AS COUNSEL BEFORE ANY COURT OR LAW OR TRIBUNAL **EXCEPT** IN CASES WHEREIN THE **DEPARTMENT OR INSTRUMENTALITY OF THE GOVERNMENT IS THE ADVERSE PARTY** NOR IN ANY **CRIMINAL OR ADMINISTRATIVE CASE** WHEREIN AN **OFFICER OR EMPLOYEE OF THIS DEPARTMENT IS ACCUSED** OF AN OFFENSE COMMITTED IN RELATION TO HIS/HER OFFICE;

DILG Circular No. 2016-14

4. OFFICIALS OR EMPLOYEES WITH AUTHORITY TO PRACTICE THEIR PROFESSION (LAWYERS), SHOULD **FILE A LEAVE OF ABSENCE OR SECURE A WRITTEN “PERMISSION TO LEAVE”** FROM OFFICE FROM THE HEAD OF THEIR RESPECTIVE OPERATING UNIT INDICATING THEREIN THE SAID PURPOSE. **IN NO CASE THAT SAID “PERMISSION TO LEAVE” MAY BE GRANTED MORE THAN ONCE PER WEEK.** THE TIME SPENT IN ATTENDING , COURT PROCESSES OR HEARINGS MUST BE ACCORDINGLY **DEDUCTED FROM THE ACCRUED VACATION LEAVE OF THE CONCERNED OFFICIAL OR EMPLOYEE;**

DILG Circular No. 2016-14

5. IN GRANTING THE “PERMISSION TO LEAVE” THE HEAD OF THE OPERATING UNIT CONCERNED **MUST ENSURE THAT THE DELIVERY OF PUBLIC SERVICE WILL NOT BE IMPAIRED;**

6. NO GOVERNMENT TIME, VEHICLE, PERSONNEL, FUNDS OR SUPPLIES SHALL BE UTILIZED IN THE PURSUIT OF ONE’S PROFESSION **EXCEPT** WHEN THE OFFICIAL OR EMPLOYEE CONCERNED IS DEFENDING THE INTEREST OF THE GOVERNMENT;

DILG Circular No. 2016-14

HOWEVER, WHEN THE INVITING OFFICE IS PART OF THE DEPARTMENT, THE **TIME SPENT** IN LECTURES WITHIN OFFICE HOURS SHALL **BE CONSIDERED AS “OFFICIAL TIME”**. PROVIDED THAT THE **CORRESPONDING SUPPORTING DOCUMENTS (i.e. certification)** SHALL BE ATTACHED IN THE **DAILY TIME RECORD (DTR)**

9. OFFICIALS OR EMPLOYEES WHO ARE DIRECTLY INVITED TO CONDUCT LECTURE OR ACT AS RESOURCE PERSON ON **TOPICS WHICH ARE NOT PART OF THEIR OFFICIAL FUNCTION, MAY RECEIVE HONORARIUM**. HOWEVER, SUCH OFFICIAL OR EMPLOYEES SHALL ONLY BE ALLOWED TO CONDUCT SAID **LECTURES OUTSIDE OF THE REGULAR WORK HOURS**.

7. DOCTORS OF MEDICINE MAY PRACTICE THEIR PROFESSION DURING OFFICE HOURS ONLY ON OCCASIONS OF EMERGENCY **PROVIDED THEY DO NOT DERIVE MONETARY COMPENSATION THEREFROM.**

8. OFFICIALS OR EMPLOYEES WHO ARE DIRECTLY INVITED TO CONDUCT LECTURES OR ACT AS RESOURCE PERSON **ON TOPICS WHICH ARE PART OF THEIR OFFICIAL FUNCTIONS MAY RECEIVE HONORARIUM**, PROVIDED **THAT THE INVITING OFFICE IS NOT WITHIN THE DEPARTMENT**. AS MUCH AS POSSIBLE, ENGAGEMENT MUST BE **DONE OUTSIDE OF THE REGULAR WORK HOURS** TO ENSURE THAT THE EFFICIENCY OF THE OFFICIAL OR EMPLOYEE IN THE DISCHARGE OF **HIS/HER DUTY WILL NOT BE IMPAIRED**. IN THE EVENT THAT THE OFFICIAL OR EMPLOYEE IS **DIRECTLY INVITED BY OTHER GOVERNMENT AGENCIES OR PRIVATE INSTITUTIONS** TO CONDUCT LECTURES OR ACT AS RESOURCE PERSON WITHIN OFFICE HOURS, **HE OR SHE MUST FIRST SECURE PRIOR AUTHORITY FROM THE HEAD OF AGENCY OR HIS AUTHORIZED REPRESENTATIVE** FOR THE PURPOSE. **THE TIME SPENT IN ACTING AS SUCH (LECTURER OR RESOURCE PERSON MUST BE ACCORDINGLY DEDUCTED FROM THE ACCRUED VACATION LEAVE OF THE CONCERNED OFFICIAL OR PERSONNEL.**

DILG Circular No. 2016-14

IT IS UNDERSTOOD THAT IN CASE OF CONFLICT OF SCHEDULE, THE DUTIES AND RESPONSIBILITIES OF THE OFFICIAL OR PERSONNEL CONCERNED MUST TAKE PRECEDENCE OVER THE AUTHORITY TO PRACTICE GRANTED TO HIM/HER.

THIS ORDER SHALL TAKE EFFECT IMMEDIATELY.

(SGD) ISMAEL D. SUENO

SECRETARY

ANSWER TO THE QUERY OF ENGR.
MALOU ANG, A GOVERNMENT
EMPLOYEE IN THE CITY OF XYZ

- AS PERUSED FROM YOUR LETTER YOU WANTED TO BE ENLIGHTENED ON THE PROPRIETARY OF PRACTIZING YOUR PROFESSION PURSUANT TO THE AUTHORITY GIVEN TO YOU BY THE HONORABLE CITY MAYOR OF XYZ. IN RELATION THEREWITH, YOU INTERPOSE THE FOLLOWING ISSUES TO WIT:

1. IT WAS STIPULATED IN THE RESOLUTION THAT MY PRACTICE VIOLATES THE CODE OF ETHICS, PARTICULARLY SEC. 2 (c) 8. DID I?

2. CAN AN ORGANIZATION SUCH AS GEPI ISSUE RESOLUTION THAT TENDS TO CONFLICT WITH OUR NATIONAL LAW?

3. CAN A MEMORANDUM OF AGREEMENT BETWEEN A PRIVATE ORGANIZATION AND A GOVERNMENT AGENCY US GOVERNMENT EMPLOYED GEODETIC ENGINEERS OF OUR PRIVATE PRACTICE IF THE LAW SO PROVIDES WE CAN FOR MONETARY REASONS SUCH AS OUR CLEARANCE FEE?

At the outset, let us invite your attention to OP Memorandum Circular No. 17 dated Sept. 4, 1986, which provides, thus:

“ The authority to grant permission to any official or employee shall be granted by the head of ministry or agency in accordance with Section 12, Rule XVII of the Revised Civil Service Rules, which provides:

“Sec. 12. No officer or employee shall engage directly or indirectly in any private business vocation or profession to be connected with any commercial, credit, agricultural or industrial undertaking without a written permission from the head of the department: Provided, That this prohibition will be absolute in the case of those officers and employees whose duties and responsibilities require that their entire time be at the disposal of the Government: Provided, further, That if an employee is granted permission to engage in outside activities, the time so devoted outside of office hours should be fixed by the chief of agency to the end that it will not impair in any way the efficiency of the officer or employee. x x x”
X x x x (Underscoring supplied)

Applying the foregoing provisions of the law, we opine that the Authorization dated April 2, 2013 issued by the City Mayor of XYZ, is not a substantial compliance thereof. OP Memorandum Circular No. 17 is explicit in giving authority to the head of the department in issuing the permission for officials and employees of the government to practice their profession, in your case, the Secretary of the Department of Interior and Local Government (DILG).

Now, we delve on the three (3) issues you interposed.

Anent the first issue on whether you violated the Code of Ethical and Professional Standards for the Practice of the Geodetic Engineering Profession, particularly Section 2(c)8 thereof, which proscribes using the advantages for being a salaried employee to compete unfairly with the geodetic engineers or junior geodetic engineers in the private practice, we opine that the practice of the profession under authority *per se*, does not in any way violate the said provision unless there is an overt act or an actual use of the advantages of being a salaried employee which would amount to competing unfairly with the geodetic engineers in the private practice. However, the fact that you are practicing your profession without the proper authority from the DILG Secretary while being actively employed within the City of XYZ amounts to double compensation in the profession

With the foregoing ratiocination, we resolved the second issue you interposed and find no conflict between the Board Resolution No. 2013-03 entitled “NONE-ISSUANCE OF GEP SURVEY CLEARANCE TO SURVEY RETURNS SUBMITTED BY GOVERNMENT GEODETIC ENGINEER IN VIOLATION AND NOW COMPLIANCE OF SECTION 7 (b) (2) OF R.A. 6713 AND MEMORANDUM CIRCULAR NO. 17 OF THE EXECUTIVE DEPARTMENT “ issued by the Geodetic Engineers of the Philippines, Inc. – Regional Division VII, Central Visayas and the CODE OF ETHICAL AND PROFESSIONAL STANDARDS FOR THE PRACTICE OF THE GEODETIC ENGINEERING PROFESSION. Board Resolution No. 2013-03, particularly paragraph (3) thereof, provides, thus:

“ WHEREAS, THE Board finds merit in the observation that several government geodetic engineers are submitting privately survey returns in willful disregard of section 7(b)(2) of R.A. 6713 and MEMORANDUM DIRCULAR NO. 17 of the Executive Department.”

With respect to the third issue, you interposed, it can be gleaned from your letter that the survey returns signed by you were denied for submittal to the DENR-LMS because the GEPI will not accept payment for the clearance fee in accordance with the Memorandum of Agreement (MOA) which was entered by it with the DENR-LMS. Apparently, the Memorandum of Agreement cannot be interpreted to prevent government employed geodetic engineers to practice their profession but merely required the payment of clearance fee from the GEPI before the DEN- LMS accepts submittal of survey returns. Thus we opine that the payment of clearance fee being required by GEPI from its members is a matter of regulation that it is within its authority to impose.

Clearly, the non-issuance of GEP Survey Clearance is not based on the submission of survey returns by a government geodetic engineer but **on the violation and non-compliance with section 7(b)(2) of R.A. No. 6713 and Memorandum Circular No. 17 of the Executive Department.** Accordingly, the refusal of GEPI to issue you a survey clearance is anchored on the fact that you have not secured the proper authority in compliance with the said laws.

Patently, it was your violation and non-compliance of Section 7 (b) (2) of R.A. No. 6713 and MEMORANDUM CIRCULAR NO. 17 OF THE EXECUTIVE DEPARTMENT, for having privately practiced your profession without proper authority, which prompted the GEPI to deny the issuance of clearance to your privately surveyed survey returns.

We hope that with the foregoing clarification, we have enlightened the issues you raised and therefor refrain from privately practicing your profession until you have secured the proper authority from the DILG Secretary.

VTR

PLN

OIC Chairman, PRBGE

THANK YOU !