

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

THIRTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 1582

Introduced by: Representative MARCELINO C. LIBANAN

EXPLANATORY NOTE

The existing Mining Engineering Law, which was enacted in 1965 under the RA 4274, has become largely obsolete in the effective regulation of the practice of Mining Engineering profession in the present times. Hence, the urgent need to amend and update the same to be more realistic, relevant and practicable to current professional practice of Mine Engineers in the Philippines.

The proposed amended law underscores the need to develop competent, virtuous, productive and well-rounded Mining Engineers whose standards of professional practice and service shall be excellent, qualitative, world-class and globally competitive through regulatory measures, programs and activities.

The increasing scope of application of the Mining Engineering profession now necessitate the need to re-define the practice of said profession and establish the scope of the same. The advent of technology advancement in the mineral industry over the past three decades led to the creation of various fields of expertise and specializations such as but not limited to computer applications, etc. Said technology resulted to greater economic appreciation of mineral resources in the country. The enactment of environmental laws and the need to effectively address the social concerns of local mining communities have become essential aspects of all mining and mineral processing professions and operations in the country. Effectively, the proposed new law is designed to create more jobs and job opportunities to Filipino Mining Engineers.

The entry of the Philippines into regional and international covenants and/or accords such as but not limited to APEC Engineer Registry, etc. likewise necessitate the need to amend the law to fully avail beneficially of the benefits of said covenants and/or accords.

In addition, the proposed amendment embodies provisions to reduce or control if not eliminate illegal mining practices in mines and quarries due to the inclusion of more stringent penalties to violators. Historically, such illegal practices have led to social and environmental disasters such as the Montalban and Diwalwal cases.

The proposed amendments need not include provisions for fund appropriations since the same are already covered by existing laws to the effect by the Professional Regulation Commission. Similarly, there are no conflicts, overlapping or redundancies with existing laws in the mineral industry.

Effectively, the proposed amended law is designed to implement more effective professional regulation and at the same time promote and recognize the importance of the Mining Engineering profession in nation-building and development.

Approval of this bill is earnestly sought.



HON. MARCELINO C. LIBANAN

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AN ACT REGULATING THE PRACTICE OF MINING ENGINEERING IN THE
PHILIPPINES, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 4274

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

Article I
TITLE, STATEMENT OF POLICY, DEFINITION OF TERMS
AND SCOPE OF MINING ENGINEERING PRACTICE

Section 1. *Title.* - This Act shall be known as the "Philippine Mining Engineering Act of 2003".

Section 2. *Statement of Policy.* - The State recognizes the importance of Mining 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 Mining Engineers whose standard of professional practice and service shall be excellent, qualitative, world-class and globally competitive through regulatory measures, programs and activities.

Section 3. *Definition of Terms.* - As used in this Act, the following terms whether singular or plural, shall mean as follows:

- a) Mine- includes all underground, surface and/or marine excavations such as but not limited to open pits, open casts, quarries, coal mines, dredges and small-scale mines aimed at extracting and recovering metallic or non-metallic minerals or materials for beneficial usages. Offshore mines, gas, geothermal and/or energy resource extraction are included under this definition.
- b) Mine installation, works, projects or plants shall include but not limited to all tunnels, diversion or drain tunnels and/or special excavations, tailings dam and/or mine installations such as but not limited to shafts and head-frames, etc. that require the knowledge of the science of drilling and blasting, rock breaking, excavation, supports, geo-technical engineering, ventilation, mine safety and environmental control
- c) Commission shall mean the Professional Regulation Commission (PRC).
- d) Board shall mean the Board of Mining Engineering
- e) Accredited Professional Association (APA) shall mean the Philippine Society of Mining Engineers (PSEM) or its successor associations duly accredited with the Commission and the Board.

Section 4. *Scope of Mining Engineering Practice.* - A person shall be deemed to be practicing Mining Engineering or rendering Mining Engineering services within the meaning and intent of this Act when he performs any or all of the following:

1. General or overall management of a mining operation, supervision of mining related activities such as mine development and operations, construction, erection,

installation, modification, testing and commissioning of mines, mining equipment, machinery or mining methods, projects or plants.

2. Consultation, mine valuation, calculation and certification of mineable ore serves, investigation, inspection, preparation of environmental reports or studies for mines and mining projects under the Environmental Impact Assessment (EIA) system, environmental monitoring and all management services requiring knowledge of Mining Engineering;
3. Preparation, supervision of preparation, approval or signing of mine reports, engineering designs, plans, specifications, project studies or estimates for mines, mine equipment, machinery, or mining methods, projects or plants
4. Teaching of Mining Engineering professional subjects in government recognized and accredited engineering schools;
5. Employment in government as a Mining Engineer, if the nature and character of his work is in line with the profession requiring professional knowledge of the science of Mining Engineering.
6. General management or supervision of small-scale mining projects whether through underground or surface mining methods and whether mechanized or non-mechanized.
7. Filipino Mining Engineers practicing the profession in other countries other than the Philippines.
8. Foreign practice of Filipino Mining Engineers.
9. All other functions, services and activities which, in the assessment and opinion of the Board, the same constitutes the practice of Mining Engineering.

Article II BOARD OF MINING ENGINEERING

Section 1. *Creation and composition of the Board of Mining Engineering.* - There is hereby created a Board of Mining Engineering, hereinafter called the Board, to be composed of a Chairman and three (3) Members to be appointed by the President of the Philippines from a list of three (3) nominees for each position, chosen in the order of preference and submitted by the Professional Regulation Commission, herein after referred to as the Commission, from a list of five nominees submitted by the duly accredited association of Mining Engineers in the Philippines. The Board shall be organized within five months from the effectivity of this Act.

Section 2. *Qualifications of the Chairman and Members of the Board.* - The Chairman or any member of the Board shall, at the time of his or her appointment, possess the following qualifications:

- a) Natural born citizen and resident of the Philippines;
- b) Must be at least thirty five years of age;
- c) Be a holder of the degree of Mining Engineer, EM; Bachelor of Science in Mining Engineering, BSEM, conferred by any engineering school, college or university legally chartered and of good standing.
- d) A Registered Professional Mining 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 be, 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 Mining Engineering is being taught, nor have pecuniary interest in or administrative supervision over any such institutions of learning.
- f) Must not be for a period of three (3) consecutive years prior to appointment, be connected with a review center or with any groups or associations where lectures in preparation for the licensure examinations are offered or conducted at the time of appointment, and
- g) Has never been convicted of any offense involving criminal or moral turpitude.
- h) Be a member in good standing of the accredited professional association.

Section 3. *Terms of Office.*- A member of the Board shall hold office for a period of five (5) years from the date of his appointment or until his successor shall have been qualified and duly appointed. 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 shall serve for the un-expired portion of the term vacated without prejudice for reappointment. If the appointee comes from the incumbent Board, he shall serve the remaining vacated term in addition to the previous number of years he has already served and shall be qualified for re-appointment in his new position.

Each member of the Board shall take his oath of office prior to the official performance of his duties. The members of the first Board under this Act shall hold office for the following terms: One member for three years, who shall be the Chairman, one member for four years and one member for five years. The Chairman shall be the member with the shortest unexpired term.

Section 4. *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 Chairman and Members of existing regulatory boards in the Commission and in accordance with Section 10 of R.A. 8981, otherwise known as the PRC Modernization Act of 2000.

Section 5. *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.

Section 6. *Powers and Duties of the Board.*- The Board shall exercise the following specific powers, functions, duties and responsibilities:

- a) To promulgate and adopt the Implementing Rules and Regulations (IRR) necessary for carrying out the provisions of this Act.
- b) To supervise the registration, licensure and practice of mining engineers in the Philippines;
- c) To administer oath in connection with the successful examinees entering the practice of Mining Engineering;
- d) To issue the certificate of registration to successful examinees and certificates of expertise to engineers as recommended by the accredited professional association.
- e) To issue, suspend, and/or revoke, after due process certificates of registration and issue, cancel and suspend professional licenses or cancel special permits for the practice of Mining Engineering, for causes provided by law;
- f) To adopt an official seal of the Board;
- g) To look into the condition of the practice of the Mining Engineering profession and whenever necessary, adopt 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 Mining Engineering profession;
- i) To hear and try administrative cases involving violations of this Act, its Implementing Rules and Regulations, the Code of Ethics for Mining 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 Continuing Professional Development (CPD) programs in coordination with the accredited professional association of Mining Engineers.
- k) Require mining companies or other entities that engage the services of mining engineers to adopt and implement continuing professional development programs and to monitor and/or evaluate said programs for effectiveness and relevance to prevailing professional needs and demands.
- l) Prepare, adopt, issue and or amend the syllabi of the subjects of licensure examinations.
- m) Approve, issue, limit or revoke temporary licenses to practice Mining Engineering; and discharge such other duties and functions as may be deemed necessary for the enhancement of the Mining Engineering Profession and the upgrading, development and growth of Mining Engineering education in the Philippines. This includes regular review and upgrading the mining engineering curriculum to be responsive to current demands of the mining industry, conform with the technological changes brought about by the continuing trends in the profession and in making the Filipino Mining Engineer globally competitive.

- n) Perform administrative, regulatory and quasi-legislative functions in Mine Engineering as mandated under the PRC Modernization Act, its Implementing Rules and Regulations and existing PRC rules to this effect.

Section 7. 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 the 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 Mining Engineering in the Philippines.

Section 8. Removal of Board Member. - The President of the Republic upon the 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 third Act or the Code of Ethics for Mining Engineers, final judgement 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

EDUCATION, EXAMINATION, REGISTRATION AND LICENSE

Section 1. Inhibition from Practicing Mining Engineering. - No person shall practice or offer to practice mining engineering in the Philippines, without having been previously registered as a Mining Engineer under the provisions of this Act or granted a certificate of exemption under Section 27 Article III of this Act.

Section 2. The Unified National School of Mines. - Within five years from the promulgation of this Amendatory Act, there shall be created a single and unified national school of mines in the country to be located at a campus conducive to said learning and proximate to already established facilities. The paramount mission of this school is to produce highly qualified, world class and globally competitive mining engineers. Its vision is to promote sustainable development by focusing on the importance of mining in nation building and its contribution to national economy, best environmental practices and social acceptability. As such, the school shall offer mining engineering courses and related earth sciences up to post-graduate levels. Likewise, it will be an institution for technical and vocational studies aimed at training or re-training mine and quarry foremen.

The school shall be supported and/or sponsored by government institutions, private mining companies including cement, quarry, coal and energy organizations, and the present learning institutions offering said profession. These learning institutions shall be fused into a singular school of mines by combining their education and training facilities and roster of instructors or professors.

Section 3. Examination Required. - All applicants for registration for the practice of Mining Engineering shall be required to undergo and pass a written technical examination as provided for in this Amendatory Act.

Section 4. Categories. - Certificates of registration for the practice of Mining Engineering shall be of three (3) categories and in order of rank as follows:

- (a) Professional Mining Engineer
- (b) Registered Mining Engineer
- (c) Certified Mine Foreman or Quarry Foreman

Section 5. Qualifications of Applicants for Professional Mining Engineer. - Any applicant to the professional mining engineering examination must, at the time of filing his application, establish to the satisfaction of the Board that:

- (a) He is a citizen of the Philippines;
- (b) He has a valid certificate of registration and he is a registered mining engineer and a holder of a valid license;
- (c) He must not have been convicted by a court of law of a crime involving moral turpitude;
- (d) He has graduated from an engineering school or college of recognized standing, after completing an approved course in mining engineering;

- (e) He has a specific record of a total ten (10) years or more of active and continuous mining engineering practice, reckoned from the time he registered as a mining engineer,
- (f) Holds at least one certificate of specialty in mine engineering as specified under Section 15 hereof, and
- (g) He is competent to practice mining engineering, as certified and attested to by the accredited professional association in mining engineering.

Section 6. *Qualifications for Applicants for Registered Mining Engineer.*- any person applying for examination and for a Certificate of Registration as Mining Engineer shall, prior to admission to the examination, 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 criminal or moral turpitude;
- c) He holds the degree of Bachelor of Science in Mining Engineering from a university, school, college, academy, or institute duly constituted and recognized as such by the government.
- d) If a foreigner, his country accords reciprocity with the Philippines and has at least three (3) years residency prior to the licensure examinations as provided under RA 5181.

Section 7. *Qualifications of Applicants for Mine and/or Quarry Foreman.*- Any person applying for a certificate of registration as mine foreman or quarry foreman shall, prior to his admission for certification, establish to the satisfaction of the Board that:

- a) He is at least twenty-one years of age;
- b) If a foreigner, his country accords reciprocity with the Philippines;
- c) He is of good reputation and moral character;
- d) He is a graduate of Mine or Quarry Foreman course from a mining school duly accredited by government to offer the same, or
- e) He is a graduate of Mining Engineering from a government recognized school, university, institute or college, or
- f) He has at least ten (10) years actual experience in mining and/or quarrying; and
- g) He is competent to be mine foreman or quarry foreman as certified and attested to by the accredited professional association of mining engineers.

Section 8. *Scope of Examination.*- The scope of examinations and the methods and procedures shall be prescribed by the Board with special reference to the applicant's ability to perform the type of mining engineering work pertaining to the particular category he is to be registered in.

- (a) Professional Mining Engineer - The granting of Certificate of Registration to Professional Mining Engineers shall be testimonial in nature which shall include the submission of an enumeration of the applicant's experience including the presentation of a mining engineering report or technical paper pertinent to his line of experience and attested to and duly certified by the accredited professional association of mining engineers.
- (b) Registered Mining Engineer - The application shall pass a written examination on different subjects or group of subjects prescribed by the Board, and within the syllabi prepared by the board with emphasis on the following and their corresponding relative weights:

1. Geology and exploration	-	20%
2. Mining Engineering	-	40%
3. Ore dressing	-	20%
4. Environment	-	20%
- (c) Certified Mine Foreman or Quarry Foreman- The examination for Certified Mine Foreman or Quarry Foreman may be written or oral on subject matters based on the following submitted statements of experience:
 - 1. Drilling and blasting
 - 2. Mine safety and loss control
 - 3. Environmental protection and regulations
 - 4. Mining or quarrying rules and regulations

Subject to the approval of the Commission, the Board may amend or revise the subjects, their syllabi, passing average, and the system and procedure in the licensure examination for the practice of Mining Engineering and the corresponding weights pursuant to the implementing rules and regulations issued for the purpose.

The said subjects and their syllabi may be amended by the Board so as to conform to the technological changes brought about by the continuing trends in the profession.

Section 9. *Ratings.*- To pass the examination, a candidate for Mining Engineer must obtain an average grade of seventy per cent (70%) on all subjects, with no rating below fifty percent (50%) in any of the subjects.

Section 10. *Report of Ratings.*- The Board shall submit to the Commission the ratings obtained by each candidate within the last day of examination, unless extended for just cause.

Section 11. *Re-examination.*- An applicant who fails to pass the examination for the third time shall be allowed to take another examination only after the lapse of one examination year and upon presentation of a certificate that he or she has attended a formal review class for the purpose as certified by the accredited professional association.

Section 12. *Oath.*- All successful candidates in the examination shall be required to take an oath of the profession before the Board or any government official authorized to administer oaths, prior to entering the practice of Mining Engineering.

Section 13. *Issuance of Certificates of Registration.*- Upon payment of the registration fees as established by the Commission, the Board shall issue a certificate of registration to any applicant who has met all the requirements specified in this Act.

All certificates of registration shall indicate the full name of the registrant, signed by all the members of the Board and the Commission and affixed with the official seal of the Commission. The issuance of certificate of registration by the Board to a registrant is evidence that the person named therein is entitled to all the privileges of a duly registered and licensed Mining Engineer for as long as the certificate remains valid.

Section 14. *Issuance of Certificates of Specialty.*- Subject to the approval of the Commission, certificates of specialties shall be issued by the Board to Mining Engineers who have been screened and recommended by the accredited professional association of Mining Engineers. These are for specific fields in which the applicants have specialized knowledge, training and experience and have documented their expertise and competence. The Board shall subject to the approval of the Commission, and after consultation with the accredited association concerned, prescribe and issue the necessary guidelines for the issuance of these certificates.

Section 15. *Integration and Accreditation of Mining Engineers.*- Only one integrated association of Mining Engineers shall be accredited by the Board of Mining Engineering and the Professional Regulation Commission. All persons whose names now appear in the roster of Mining Engineers under the custody of the Board and the Commission, or those who may hereafter be included herein upon registration and payment of the required fees shall automatically become members of the integrated and accredited organization of Mining Engineers. The integration of the Mining Engineers shall not be a bar to the formation of voluntary organizations of Mining Engineers which may co-exist with the integrated and duly accredited organization of Mining Engineers. The Board, subject to the approval of the Commission and after consultation with the existing accredited organization of Mining Engineers and other affiliated associations of Mining Engineers and, if possible, with the substantial number of Mining Engineers who are non-organizational members, shall provide the guidelines and mechanisms for the establishment and creation, continued supervision of the integrated and accredited organization of Mining Engineers.

Section 16. *Seal of a Professional and Registered Mining Engineer.*- A Professional or Registered Mining Engineer shall, upon registration and payment of fees and dues to the accredited professional association, obtain a seal of such design prescribed by the Board, bearing the registrant's name, certificate number and the legend "Professional Mining Engineer" or "Registered Mining Engineer". Designs, plans, specifications, project feasibility studies, appraisals, valuations, recommendations, technical reports, proposals, and other professional documents involving mines, quarries, coaleries, works, projects or plants and installations shall be stamped on every sheet with the said seal of the registrant when filed with government authorities or when submitted or used professionally: *Provided*, that it shall be unlawful for any one to stamp or seal any document with the said seal after the certificate and or license shall have been revoked or cancelled or expired.

Section 17. *Non-issuance of Certificate for Certain Grounds.* - The Board shall not issue a certificate of registration to any person convicted by court of competent jurisdiction of any crime involving moral turpitude, or immoral or dishonorable conduct or any person of unsound mind declared by a court of competent jurisdiction, furnishing the party concerned a written statement containing the reason for such action, which statements shall be incorporated in the records of the Board.

Section 18. *Revocation and Suspension of Certificates.* - The Board shall have the power, upon proper notice and hearing, to suspend or revoke any certificate of registration of any registrant for any cause specified hereunder, or for the use in whatever way of any fraud or deceit in obtaining of a certificate of registration, or for gross negligence or incompetence or for unprofessional or dishonorable conduct and for violations of the Code of Ethics for Mining Engineers: *Provided*, That the action of the Board shall be subject to appeal to the Commission within fifteen (15) days from notice, whose decision on the matter shall be final. The accredited professional association shall be furnished a copy of the final decision of the Board.

Section 19. *Grounds for Suspension and Revocation.* - The Board shall have the power, upon due notice and hearing, to revoke or suspend the license of Mining Engineers, or to cancel a temporary/special permit for any cause specified herein including but not limited to: the use or perpetuation of any fraud or deceit in obtaining a certificate of registration, or for incompetence, negligence, or for abatement of the illegal practice of Mining Engineering, violations of the provisions of this Act, its implementing rules and regulations and/or violations of the Policies of the Board including the Code of Ethics of Mining Engineering: *Provided, however*, that such action of the Board shall be subject to appeal without prejudice to the right of the aggrieved party to apply with the proper Regional Trial Court for appropriate relief.

It shall be sufficient for the revocation of the certificate issued under this Act on the ground of unprofessional or dishonorable conduct on the part of the registrant that he has:

1. Signed any technical report, mine valuation, mineral ore reserve estimate or other documents or works not prepared by him or under his supervision;
2. Represented himself having taken charge of, undertaken or supervised the survey, valuation, mine tunneling, shafting and quarrying, without having actually done so;
3. Represented himself as having performed mining engineering service in connection with the planning of exploration, development, exploitation, mining or mineral products without actually having done so;
4. Represented himself as having acted supervisor of a mining operation without having done so.
5. He is involved either as proponent, employee, consultant or in any manner, form or terms of a mine, quarry or small scale mine, etc. that is not duly covered by the mandatory statutory government permits and/or licenses such as but not limited to mining or quarry permits, small scale mining permits, environmental compliance certificates, blasting permits, etc. and all other permits that may be required after the promulgation of this Act.

Any person or persons, firm, association or corporation may press charges in accordance with the provisions of this section against any registrant, and the Board shall take cognizance within thirty days after receipt, and investigate the truth of the complaint. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the Secretary of the Board.

Section 20. *Reinstatement and Replacement of the Certificates.* - The Board, upon application and for reasons of equity and justice, may reinstate the validity of a revoked certificate of registration, upon payment of the required fees, at least two (2) years after revocation. A new certificate of registration to replace any lost certificates, destroyed or mutilated may be issued, subject to the rules of the Board, and upon payment of the required fees.

Section 21. *Renewal of License.* - The professional license shall serve as evidence that the licensee can lawfully practice his profession until the expiration of its validity and that the licensee is an active member of the accredited professional association in good standing.

Section 22. *Vested Rights: Automatic Registration of Practicing Mining Engineers.* - All practicing Mining Engineers who are already registered at the time this Act takes effect, shall automatically be registered under this Act.

Section 23. *Foreign Reciprocity.* - No foreign Mining Engineer or Foremen shall be allowed to practice mining engineering or be given a certificate of registration or be entitled to

any of the privileges under this Act unless he can prove in the manner provided by the rules of Court or by specific provisions of law or regulations, that the country of which he is a subject or citizen, in the spirit of reciprocity, permits Filipino Mining Engineers and/ or Mine/Quarry Foremen to practice within its territorial limits on the same basis as the subject or citizens of such country or state.

Section 24. Coverage of Temporary or Special Permits.- The following shall be required to secure Temporary/Special Permits from the Board subject to the approval by the Commission.

- a) Foreign Mining Engineers called in for consultation or for specific assignments not requiring more than three (3) months residence in the Philippines in a twelve month period: *Provided*, that such foreign engineers are legally qualified to practice Mining Engineering in their own country or state in which the requirements and qualifications for obtaining a certificate of registration are at least equal to or more than those specified in this Act as certified by the Board.
- b) Foreigners employed to practice mining engineering who, in the judgment of the Board, are necessary and advantageous to the country particularly in the aspect of technology transfer and foreign investments, may be issued temporary permits: *Provided*, That such engagements have satisfied condition, as may be deemed necessary as follows:
 - 1) Non-availability of a Filipino Mining Engineer in the country who is capable, competent, able and willing at the time of engagement to perform the service for which the foreigner is desired for, and as certified by the accredited professional association of mining engineers.
 - 2) The foreigner must have been in the prior employ of the engaging firm, or its foreign business partner before arrival in the country.
 - 3) Any particular or specific engagement shall not be in excess of six (6) months but may be renewed once, if necessary, except when such engagement is for a newly established company in which case the period of engagement may be for a longer term but not to exceed a total term of two (2) years.

Section 25. The APEC Engineer Registry.- Filipino mining engineers registered as APEC Mining Engineers can practice the profession in any country within the APEC Region as if they are practicing in the Philippines. Similarly, mining engineers from other APEC countries who have qualified and registered as APEC Mining Engineers may likewise practice the profession in the Philippines as if they are practicing in their respective countries. Admission into the APEC Engineer Registry shall be in accordance with the rules and procedures established by the Commission, CHED and the Philippine Technological Council.

Section 26. Exemption from Registration.- Registration shall not be required of the following persons:

- a. Practitioners in mining engineering engaged by the Republic of the Philippines for consultation or for specific purposes regarding the mining industry: *Provided*, That their practice shall be confined to such work only.
- b. Foreign mining engineers who are duly registered as APEC Engineers.

Section 27. Indication of License and Professional Tax Receipt.- The Mining Engineer shall be required to indicate his Profession License number, the duration of validity, including the professional tax receipt number on the documents he signs, uses or issues in connection with the practice of his profession.

Section 28. Fields of Practice Authorized for each Category.- The following fields of engineering practice shall be covered by respective mining engineering categories:

- (a) Professional Mining Engineers - to be in responsible charge of mines, mine works or plants and the preparation and approval of mine plans, designs, investigations, mine valuation, signing of mineable ore reserves, specifications, project studies or estimates or to be in performance of other professional mining engineering activities or consulting services in connection of any mine works, projects or plants either for himself or for others.

- (b) Registered Mining Engineer - all other mining engineering practice and application not covered by the above including the teaching of professional subjects in Mining Engineering course and or where said professor is a holder of a Specialty Certificate on the subject he is teaching.

Section 29. *Personnel Required in Mines, Mine Works and/or Quarries.*- Every mine project, plant or quarry in operation shall be supervised by and shall have the following minimum compliment of resident Mining Engineers and or Certified Mine/Quarry Foreman as follows:

- (a) Mines or mine works with less than twenty-five persons for the entire operation directly engaged in mining and/or quarrying operation, a Certified Mine/Quarry Foreman is required.
- (b) Over twenty-five persons but not more than fifty persons for the entire operation directly engaged in mining/quarrying operations, one Registered Mine or Quarry Foreman and one Registered Mining Engineer.
- (c) For every twenty-five persons per shift directly engaged in mining and/or quarrying operation, one Registered Mining Engineer and Certified Mine or Quarry Foreman are required per shift and a Professional Mining Engineer for the entire three shifts operation.
- (d) Small scale mines and operations shall have the necessary compliment of Mining Engineers, as provided under the Mining Code of 1995 and the Safety Rules and Regulations of the Mines and Geo-sciences Bureau or its equivalent safety office.
- (e) The positions of Vice President-Operation, General or Resident Manager, Operations Manager, Production Manager, Mine Division Manager, Mine Superintendent, Quarry Superintendent, Chief Mining Engineer, Mine Safety Engineer, Mine Consultants or any equivalent management functions and/or senior positions requiring the knowledge of mining engineering shall be occupied by duly licensed Professional Mining Engineers.
- (f) The positions of Asst. Superintendents, Ventilation Engineers, Tunneling Engineers, Mine Planning Engineers, Mine Environmental Engineers, Mine Environmental Engineers, Drilling and Blasting Engineers, Shift Engineers, etc. or all equivalent functions and or positions shall be occupied by duly licensed Registered Mining Engineers.
- (g) The position of Mine General Foremen, Mine or Quarry Foremen or equivalent supervisory functions or positions shall be occupied by duly registered Certified Mine or Quarry Foremen, provided that all applicants for Blaster Foreman's Licenses with the Philippine National Police and or renewal of said licenses must, for the primary purpose of regulation, first be registered with the Commission as Certified Mine or Quarry Foreman.

Section 30. *Practice Not Allowed for Firms and Corporations.*- The practice of Mining Engineering is a professional service, admission to which shall be determined upon the basis of an individual's personal qualifications. No firm, company partnership, association or corporation may be registered or licensed as such for the practice of Mining Engineering: *Provided*, however, That persons properly registered and licensed as Mining Engineers may form and obtain registration with the Security and Exchange Commission of a firm, partnership or association using the term "Mining Engineers", and or "Mining Engineers, Geologists and Metallurgists" but nobody shall be a member, partner or associate unless he is a duly registered and licensed Mining Engineer, and the members who are Mining Engineers shall only render work and services proper for Mining Engineers as defined in this Act.

Section 31. *Posting of Certificates.*- The owner, manager, or other person in-charge of any mine, mine works, projects, or plants of a firm, co- partnership, corporation or joint-stock association, shall post or cause to be posted in a conspicuous place within such plant of business, the original certificate of registration of the engineer or engineers and of the certified mine or quarry foremen employed in such plant, in frame protected by transparent glass or its equivalent. The same shall be made available anytime for inspection by the Board.

Section 32. *Roster of Engineers and Foremen.*- A roster showing the names, registration numbers and dates issue and expiry, current addresses, place of business of all Professional Mining Engineers, Registered Mining Engineers and Certified Mine Foremen or Quarry Foremen, shall be prepared by the Commission which shall be made available to any interested parties upon formal written request.

Section 33. *Enforcement of the Act by the Officers of the Law.*- The Professional Regulation Commission shall be the enforcement agency of the Board. As such, the Commission shall implement the concerned provisions of this Act, enforce its implementing rules and regulations as adopted by the Board, conduct investigations on complaints including violations of the Code of Conduct of the profession and prosecute when so warranted.

It shall be the duty of all duly constituted authorities through the officers of the law of the national government, or any provincial, city, or municipal government or any political subdivision thereof, to enforce the provisions of this act and to prosecute any person violating the same.

Section 34. *Qualification Requirements.*- In a government or educational institution where a position requires a master's degree holder, a holder of Registered Mining Engineer license shall be eligible for the position. Likewise, where a position requires a doctorate degree in Mining Engineering, a Professional Mining Engineer's license, shall be considered for the position.

Article V PENAL AND CONCLUDING PROVISIONS

Section 1. *Penalties.*- In addition to the administrative sanctions imposed under this Act, Any person or corporation who willfully violate any of the provisions of this Act and its rules and regulations shall, upon conviction be penalized by a fine of not less than Fifty thousand pesos (P 50,000.00) nor more than Two hundred thousand pesos (P 200,000.00), or imprisonment of not less than six (6) months nor more than three (3) years, or both fine and imprisonment at the discretion of the court.

Section 2. *Implementing Rules and Regulations.*- The Board shall formulate and issue the implementing rules and regulations to carry out the provisions of this Act.

Section 3. *Funding Provisions.*- Such sums as may be necessary to carry out provisions of this Act shall be included in the General Appropriations Act of the year following its enactment into law and thereafter.

Section 4. *Separability Clause.*- If any section or portion of this Act shall be declared unconstitutional or invalid, the same shall not invalidate all other sections or portions not affected thereby.

Section 5. *Repealing Clause.*- R.A. 4274, as amended, is hereby repealed and all other laws, parts of law, others, ordinances, or regulations relative to the practice of mining engineering which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 6. *Transitory Provisions.*- Mining Engineers possessing valid certificates of registration issued under R.A. 4274, after the approval of this Act, shall register and be issued certificates as Registered Mining Engineers to replace their original certificate of registration upon payment of the required fees.

- a) Faculty Members currently teaching mining engineering professional subjects in universities, colleges, institutes, or schools shall not be allowed to continue teaching after five (5) years from the approval of this Act, unless they are or have become Registered Mining Engineers with a Master's degree in Mining Engineering or equivalent from duly recognized and accredited universities, colleges, institutes or schools or have at least five years of practical experience in an open pit and/or underground mine.
- b) The present Board shall automatically be issued Certificates of Registration as Professional Mining Engineers and shall continue to function until such time as the new Board shall be constituted under this Act.

Section 7. *Effectivity Clause.*- This Act shall take effect fifteen days following its publication in the Official Gazette or a major daily newspaper of general circulation in the Philippines, whichever is earlier.

Approved,