

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

HOUSE BILL NO. 3802

Introduced by: **HON. VICTOR J. YU and MARIANO U. PIAMONTE JR**

EXPLANATORY NOTE

The existing Republic Act No. 4274 or the Mining Engineering Law, which was enacted in 1965, has become largely obsolete in the effective regulation of the practice of the Mining Engineering profession under present times. Hence, the urgent need to amend and update the same to be more realistic and relevant to current professional practice of Mining Engineers in the Philippines.

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

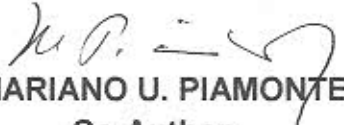
The entry of the Philippines into regional and international covenants and/or accords such as but not limited to APEC Engineer Registry, etc., likewise necessitate the need to amend the law fully avail of the benefits of said covenants and/or accords.

In addition, the proposed measure embodies provisions to reduce or control if not eliminate illegal mining practices in sites and quarries through 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 immediate approval of this measure is therefore urged.



HON. VICTOR J. YU
Principal Author



MARIANO U. PIAMONTE JR.
Co-Author

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 3802

Introduced by: **Hon. Victor J. Yu and Hon. Mariano U. Piamonte Jr.**

AN ACT
REGULATING THE PRACTICE OF MINING ENGINEERING IN THE
PHILIPPINES, REPEALING FOR THE PURPOSE REPUBLIC ACT
NUMBERED FOUR THOUSAND TWO HUNDRED SEVENTY FOUR
(R.A. NO. 4274) , AS AMENDED OTHERWISE KNOWN AS THE
"MINING ENGINEERING LAW OF THE PHILIPPINES", AND FOR
OTHER PURPOSES

*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 PRACTICE**

Section 1. Title – This Act shall be known as the “Mining
Engineering Act of 2010”.

Sec. 2. Statement of Policy – It is hereby declared the policy of
the State to supervise and standardize the practice of Mining
Engineering as it is vital to national development and to upgrade the
quality of mining engineers in the Philippines whose standards of
professional practice shall be excellent, world-class and globally
competitive through regulatory measures, programs and activities.

Sec. 3. Objectives – This Act shall govern but shall not be
limited to:

- (a) the examination, registration, and licensure of professional
mining engineers, mining engineers, and certified mine
foremen;

- (b) the supervision, control and regulation of the practice of mining engineering;
- (c) the development and upgrading of the curriculum of the mining engineering profession;
- (d) the promotion of the professional competence of mining engineers through continuing professional development/education; and
- (e) the integration of the mining engineering profession.

Sec. 4. Definition of Terms – As used in this Act, the following terms shall mean as follows:

- (a) “Practice of mining engineering” shall mean the rendering or offering of mining engineering services for a fee, salary, reward or compensation, paid to him/her or through another person or persons, or even without such reward or compensation.
- (b) “Mine” shall mean all kinds of excavations and/or extractions aimed at extracting minerals/materials, energy resources or groundwater resources for beneficial usages in the context of responsible mining and sustainable development.
- (c) “Mineral/ore resource” shall mean a concentration or occurrence of minerals/materials of intrinsic economic interest in or on the earth’s crust in such form and quantity that there are reasonable prospects for eventual economic extraction.
- (d) “Mineral/ore reserve” shall mean that portion of a mineral resource that is economically mineable and which, after the application of all mining factors, result in an estimated tonnage and grade, and, based on the certification of the mining engineer making the estimates, could be the basis of a viable project after taking into account all relevant mining,

1 metallurgical, economic, marketing, legal, environmental,
2 social and governmental factors.

3 (e) "Energy resources" shall mean coal, gas, petroleum,
4 geothermal fluids or radioactive minerals that can be mined
5 or harnessed for the production of power and other beneficial
6 usages.

7 (f) "Water reserves" shall mean groundwater deposits proven
8 through hydro-geological exploration where water can be
9 beneficially extracted or harnessed for power generation and
10 industrial development.

11 (g) "Mine installations" shall mean surface, underground or
12 underwater excavations that require knowledge of mining
13 engineering.

14 (h) "Professional Mining Engineer, Mining Engineer, Certified
15 Mine Foreman" shall mean persons who are holders of valid
16 Certificates of Registration and Professional Identification
17 Cards issued by the Professional Regulatory Board of Mining
18 Engineering and the Professional Regulation Commission.

19 **Sec. 5. Scope of Practice** – A person shall be deemed to be
20 practicing the profession of mining engineering or rendering mining
21 engineering services within the meaning and intent of this Act when
22 he/she performs, but not be limited to, any or all of the following:

23 (a) Management, engineering or supervisory positions in mines,
24 mine installation or construction projects where knowledge
25 in mining engineering is necessary in carrying out such
26 function;

27 (b) Calculation, estimation and certification of mineral, energy
28 and water reserves, preparation of mine feasibility studies;
29 mine valuation or auditing; and mine consulting;

30 (c) Participation in the preparation of environmental studies for
31 mining projects and monitoring under the Environmental
32 Impact Assessment (EIA) system;

- 1 (d) Preparation, approval or signing of mining documents such
2 as but not limited to mine reports, mine plans and designs,
3 specifications or project estimates;
4 (e) Design, commissioning or decommissioning of mines, mining
5 methods and applicable machinery, works or installation;
6 (f) Employment in government service, if the nature and
7 character of his/her work is in line with the profession
8 requiring professional knowledge of the science of mining
9 engineering;
10 (g) Management or supervision of small scale mines or similar
11 projects as prescribed by law;
12 (h) Mine engineering practice or services covered by bilateral or
13 multilateral trade agreements where the Philippines is a
14 signatory;
15 (i) Teaching, lecturing and reviewing of professional mining
16 engineering subjects in government recognized and
17 accredited universities, colleges, schools and institutes; and
18 (j) All other functions, services and activities which, in the
19 assessment and opinion of the Board, the same constitute
20 the practice of Mining Engineering.

21 **Article II**

22 **CREATION OF THE PROFESSIONAL REGULATORY BOARD** 23 **OF MINING ENGINEERING**

24 **Sec. 6. Composition of the Board of Mining Engineering –**

25 There is hereby created a Professional Regulatory Board of Mining
26 Engineering, hereinafter referred to as the Board, under the
27 administrative control and supervision of the Professional Regulation
28 Commission, hereinafter referred to as the Commission, composed of
29 a Chairperson and two (2) members to be appointed by the President
30 of the Philippines from among those recommended by the Commission
31 from the nominees of the duly Accredited Professional Organization
32 (APO) of Professional Mining Engineers, Mining Engineers and

1 Certified Mine Foremen. The new Board shall be constituted three (3)
2 months from the effectivity of this Act.

3 **Sec. 7. Powers and Duties of the Board** – The Board shall
4 have the following powers and duties:

- 5 (a) Supervise and regulate the practice of mining engineering
6 profession;
- 7 (b) Determine and evaluate the qualifications of the applicants
8 for registration;
- 9 (c) Prescribe the subjects in the licensure examinations,
10 determine the syllabi of the subjects and their relative
11 weights, construct the test questions in the examinations,
12 score and rate the examination papers, and submit the
13 examination results to the Commission;
- 14 (d) Issue together with the Commission, Certificates of
15 Registration and Professional Identification Cards to
16 applicants who have passed the licensure examinations for
17 registered mining engineers;
- 18 (e) Issue special/temporary permits to foreign mining engineers
19 to practice the profession;
- 20 (f) Inquire into conditions affecting the practice of the profession
21 and adopt measures for the enhancement and maintenance
22 of high professional, ethical and technical standards.
23 Pursuant thereto, the Board may inspect establishments
24 where mining engineers practice their profession such as
25 mines, plants, offices and the like in order to determine and
26 enforce compliance with the provisions of this Act and issue
27 Certificates of Compliance for the purpose;
- 28 (g) Inspect the facilities, faculty, equipment and other aspects
29 directly related to the mining engineering program of
30 educational institutions in coordination with the Commission
31 on Higher Education (CHED);

- 1 (h) Adopt the Implementing Rules and Regulations (IRR)
2 necessary for carrying out the provisions of this Act;
- 3 (i) Adopt a Code of Ethics and a Code of Professional and
4 Technical Standards for the practice of the Mining
5 Engineering profession;
- 6 (j) Investigate, in accordance with the rules on administrative
7 investigation promulgated by the Commission, violations of
8 this Act and its Implementing Rules and Regulations, the
9 Code of Ethics and the Code of Professional and Technical
10 Standards for mining engineers, administrative policies,
11 orders and issuances promulgated by the Board;
- 12 (k) Issue *subpoena duces tecum* to secure the attendance of
13 witnesses or the production of documents in connection with
14 administrative cases before the Board;
- 15 (l) Hear and decide administrative cases filed against mining
16 engineers and firms employing mining engineers. The
17 hearing shall be presided by the chairperson or a member of
18 the Board with the assistance of a lawyer from the
19 Commission. The decision of the Board may be appealed to
20 the Commission and to the Court within fifteen (15) days
21 from notice, otherwise the decision shall become final and
22 executory;
- 23 (m) Administer oaths in connection with the performance of
24 its functions;
- 25 (n) Adopt an official seal and prescribe the seal of the mining
26 engineering profession;
- 27 (o) Submit an annual report on the proceedings and
28 accomplishments during the year and/or recommendations
29 of the Board to the Commission thirty (30) days after the
30 close of each calendar year;
- 31 (p) Prosecute or institute criminal action against any violator of
32 this Act and/or rules and regulations of the Board;

- 1 (q) Prescribe guidelines and criteria on the Continuing
2 Professional Education (CPE) program for mining engineers
3 in consultation with the integrated and accredited
4 professional organization of mining engineers; and
5 (r) Perform regulatory, administrative, and quasi-legislative
6 functions as mandated under R.A. 8981 otherwise known as
7 the Professional Regulation Commission Modernization Act,
8 and such other functions as may be necessary in order to
9 implement the provisions of this Act.

10 **Sec. 8. Qualifications of the Chairperson and Members of**
11 **the Board** – The Chairperson and members of the Board, at the time
12 of his/her appointment must be:

- 13 (a) a natural born citizen and resident of the Philippines;
14 (b) at least a holder of a bachelor's degree in mining engineering
15 as conferred by an engineering school of good standing,
16 recognized and accredited by the government;
17 (c) a Professional Mining Engineer with a valid certificate of
18 registration and professional identification card and an active
19 practitioner for not less than ten (10) continuous years prior
20 to his/her appointment;
21 (d) a person who does not have any pecuniary interest, directly
22 or indirectly in any university, college, school or institution
23 conferring an academic degree necessary for the admission
24 to the practice of mining engineering, or institutions where
25 review classes in preparation for the licensure examinations
26 for mining engineers are being officially offered or conducted;
27 nor shall he/she be a member of the faculty or of the
28 administration thereof prior to appointment to the Board;
29 and
30 (e) a member of the accredited professional organization of
31 Mining Engineers but not a trustee or officer thereof.

1 **Sec. 9. Term of Office** – The Chairperson and the members of
2 the Board shall hold office for a term of three (3) years after their
3 appointment or until their successors shall have been appointed and
4 duly qualified. They may be reappointed for another term of three (3)
5 years immediately after the expiration of their term but in no case
6 shall the whole term exceed six (6) years. Interim vacancies shall be
7 filled for the unexpired portion of the term only.

8 The Chairperson and members shall qualify by taking the proper
9 oaths prior to assumption of office.

10 **Sec. 10. Compensation of the Board** – The Chairperson and
11 members of the Board shall receive compensation and allowances
12 comparable to that being received by the chairpersons and members
13 of other professional regulatory boards under the Commission as
14 provided for in the General Appropriations Act.

15 **Sec. 11. Custodian of Records, Secretariat and Support** – All
16 records of the Board, including applications for examinations,
17 examination papers and results, minutes of meetings, deliberations
18 of administrative and other investigative cases involving the Board
19 shall be kept by the Commission. The Commission shall designate
20 the Secretary of the Board and shall provide secretariat and other
21 support services to implement the provisions of this Act.

22 **Sec. 12. Grounds for Suspension or Removal of Board**
23 **Members/Chairperson** – The President, upon the recommendation of
24 the Commission after due process and administrative investigation
25 conducted by the Commission, may remove or suspend the
26 Chairperson or a member of the Board on any of the following
27 grounds:

28 (a) gross negligence, incompetence or dishonesty in the
29 discharge of his/her duty;

30 (b) violation of any of the causes/grounds and the prohibited
31 acts provided in this Act and the offenses in the Revised

1 Penal Code, the Anti-Graft and Corruption Practices, and
2 other laws, or
3 (c) manipulation or rigging of the licensure examination result
4 for mining engineering, disclosure of secret and confidential
5 information on the examination questions prior to the
6 conduct thereof, or tampering of grades.

7 **Sec. 13. Annual Report** – The Board shall submit an annual
8 report to the Commission after the close of each fiscal year giving
9 detailed account of Board proceedings during the year and embodying
10 such recommendations as the Board may desire to take.

11 **Article III**

12 **LICENSURE EXAMINATION AND REGISTRATION**

13 **Sec. 14. Categories of Registration** – Registration for the
14 practice of mining engineering shall be of three (3) categories, as
15 follows:

- 16 (a) Professional Mining
17 (b) Mining Engineer
18 (c) Certified Mine Foreman

19 **Sec. 15. Passing of Licensure Examination Requirement** –
20 Except as otherwise specifically allowed under this Act, applicants for
21 registration for the practice of mining engineering shall be required to
22 pass a licensure examination as provided for in this Act in such places
23 and dates as the Commission may designate in accordance with the
24 provisions of R.A. No. 8981 or the PRC Modernization Act of 2000.

25 **Sec. 16. Holding of Examination** – Examination of candidates
26 applying for registration as Mining Engineer shall be given at least
27 once a year on the date and venue prescribed by the Commission and
28 such examination shall be conducted by the Board.

29 **Sec. 17. Scope of Examination for Mining Engineers** – In the
30 licensure examinations for Mining Engineers, the scope of
31 examination, methods and procedures shall be prescribed by the

1 Board. The licensure examination shall cover, but shall not be limited
2 to, the following subjects:

- 3 (a) Geology, and Mineral/Ore Resources Exploration;
- 4 (b) Mining Engineering, Laws and Ethics;
- 5 (c) Ore Processing/Beneficiation; and
- 6 (d) Environmental Protection, Mine Safety and Social
7 Acceptability.

8 The Board, subject to approval by the Commission, may revise
9 or exclude any of the subjects and their syllabi, and add new ones as
10 the need arises to conform to technological changes brought about by
11 continuing trends in the profession. *Provided*, That a detailed syllabi
12 of the above examinations covering the whole aspects of the mining
13 engineering profession and practice shall be prepared by the Board.

14 **Sec. 18. Qualifications of Applicants for Mining Engineer –**

15 Any person applying for licensure examination as Mining Engineer
16 shall establish to the satisfaction of the Board that:

- 17 (a) he/she is a citizen of the Philippines or a foreign citizen
18 whose country has reciprocity agreement with the
19 Philippines ;
- 20 (b) he/she holds a degree of Bachelor of Science in Mining
21 Engineering from a university, school, college, academy, or
22 institute duly constituted and recognized as such by the
23 government; and
- 24 (c) he/she must not have been convicted by a court of law of a
25 crime involving moral turpitude.

26 **Sec. 19. Registration of Professional Mining Engineer and**
27 **Certified Mine Foreman –** Registration of the following categories of
28 practice of mining engineering shall require no written licensure
29 examinations.

- 30 a) Professional Mining Engineer – The granting of Certificate of
31 Registration to Professional Mining Engineers shall be
32 testimonial in nature. Candidates for certification shall be

1 nominated by the accredited professional organization which
2 shall evaluate, attest and certify to the credentials of
3 applicants to include, but not limited to, an enumeration of
4 experience and presentation of a mining engineering report
5 or technical paper pertinent to his/her line of experience.

- 6 b) Certified Mine Foreman – The granting of Certificate of
7 Registration as Certified Mine Foreman shall be upon the
8 nomination of the accredited professional organization which
9 shall evaluate, testify and certify to the qualification of
10 applicants through oral examinations on specific subjects
11 such as, but not limited to, mining operations, drilling and
12 blasting, mine safety, environmental protection and pertinent
13 mine rules and regulations. *Provided*, That applicants for
14 Blaster Foreman's Licenses issued by the Philippine National
15 Police (PNP) must be either a graduate mining engineer or
16 registered mining engineer or certified mine foreman.

17 **Sec. 20. - Qualifications of Applicants for Professional**

18 **Mining Engineer** – An applicant for registration as a Professional
19 Mining Engineer must, at the time of filing of his/her application,
20 establish to the satisfaction of the Board that:

- 21 (a) he/she is a citizen of the Philippines or a foreign citizen
22 whose country has reciprocity agreement with the
23 Philippines;
24 (b) he/she has a valid certificate of registration as Mining
25 Engineer and a holder of a valid Professional Identification
26 Card;
27 (c) he/she has graduated from an engineering school or college
28 of recognized standing, after completing an approved course
29 in mining engineering;
30 (d) he/she has a specific record of a total of ten (10) years or
31 more of active and continuous mining engineering practice
32 prior to his/her registration;

- 1 (e) he/she holds at least one certificate of specialization in
2 mining engineering as specified under Section 26 thereof;
3 and
4 (f) he/she must not have been convicted by a court of law of a
5 crime involving moral turpitude.

6 **Sec. 21. Qualifications of Applicants for Mine Foreman -**

7 Any person applying for a certificate of registration as Mine Foreman
8 shall establish to the satisfaction of the Board that:

- 9 (a) he/she is a Filipino citizen and at least twenty-one years of
10 age;
11 (b) he/she is of good reputation and moral character;
12 (c) he/she is a graduate of a Mine Foreman course from a
13 mining school or institute duly accredited by the
14 government and has at least ten (10) years actual experience
15 in mining; or
16 (d) he/she is a graduate of Mining Engineering from a
17 government-recognized school, university, institute or
18 college with at least five (5) years of actual experience in
19 mining; or
20 (e) he/she is a college graduate with at least fifteen (15) years
21 of actual experience in mining; and
22 (f) he/she is competent to be a mine or quarry foreman as
23 certified and attested to by the accredited professional
24 association of mining engineers.

25 **Sec. 22. Examination Fees** – Any applicant admitted to take
26 the mining engineering examination shall pay such fees as may be
27 prescribed by the Commission before he/she is allowed to take the
28 same.

29 **Sec. 23. Rating in the Licensure Examination** – To pass the
30 licensure examination for mining engineering, a candidate must
31 obtain a general or weighted average of no less than seventy per

1 centum (70%) and a rating of no less than fifty per centum (50%) in
2 any examination subject.

3 **Sec. 24. Report of Ratings** – The Board shall complete the
4 correction of examination papers within three (3) days from the last
5 day of examinations. The Commission shall report the rating of
6 examinees not more than thirty (30) days after the Board has
7 completed the correction of examination papers.

8 **Sec. 25. Issuance of Certificates of Registration and**
9 **Professional Identification Card** – A certificate of registration shall
10 be issued to those who are registered with or without licensure
11 examination subject to payment of fees prescribed by the Commission.
12 It shall bear the signatures of the Chairperson of the Commission and
13 of the Chairperson and members of the Board, stamped with the
14 official seal of the Commission and of the Board, certifying that the
15 person named therein is entitled to the practice of the profession with
16 all the privileges appurtenant thereto. Until withdrawn, revoked, or
17 suspended in accordance with this Act, it shall remain in full force
18 and effect.

19 A professional identification card bearing the registration
20 number and date, its validity and expiry duly signed by the
21 Chairperson of the Commission shall likewise be issued to every
22 registrant who has paid the prescribed fees.

23 **Sec. 26. Issuance of Certificates of Specialization** – Upon
24 the nomination of the accredited professional organization of mining
25 engineers, the Board shall issue a Certificate of Specialization to an
26 applicant who is a registered mining engineer and who has specialized
27 knowledge, training and experience in a specific field of mining and
28 has documented his/her expertise and competence on the same.

29 **Sec. 27. Seal of a Professional and Registered Mining**
30 **Engineer** – A Professional Mining Engineer or a Mining Engineer,
31 upon registration and payment of fees and dues to the accredited
32 professional organization, shall obtain a seal of such design

1 prescribed by the Board, bearing the registrant's name, certificate
2 number and the legend "Professional Mining Engineer" or "Mining
3 Engineer". Designs, plans, specifications, project feasibility studies,
4 appraisals, valuations, recommendations, technical reports,
5 proposals, and other professional documents involving mines,
6 quarries, coallery works, projects or installations shall be stamped on
7 every sheet with the said seal of the registrant when filed with
8 government authorities or when submitted or used professionally:
9 *Provided*, That it shall be unlawful for any one to stamp or seal any
10 document with the said seal after the certificate and/or professional
11 identification card shall have been revoked or cancelled or has
12 expired.

13 **Sec. 28. Fees for Registration** - Every person issued a
14 Certificate of Registration shall pay to the Commission such fees as
15 the Commission may prescribe.

16 **Sec. 29. Issuance of Temporary/Special Permits** -
17 Temporary/Special Permits shall be issued to the following upon
18 proper application with the Board:

- 19 (a) foreign Mining Engineers, recognized as experts in their
20 specific fields of mining engineering, called in by the
21 Republic of the Philippines for consultation or for specific
22 design, installation or project: *Provided*, That their practice
23 shall be confined to such work only;
- 24 (b) foreign Mining Engineers who have distinguished themselves
25 in their respective fields of specialization, contracted as
26 professors or lecturers on mining engineering subjects by
27 Philippine schools, or colleges, institutes or universities on a
28 direct hire or exchange basis, subject to verification of
29 credentials by the Board; or
- 30 (c) foreign Mining Engineers who are duly registered under
31 the bilateral or multilateral agreements where the Philippines
32 is a signatory.

1 *Provided*, That all the above shall secure a temporary/special
2 Permit from the Board prior to arrival in the country.

3 **Sec. 30. Refusal to Register** – The Board shall not register any
4 successful applicant for registration with or without licensure
5 examination who has been:

6 (a) convicted of an offense involving moral turpitude by a court
7 of competent jurisdiction;

8 (b) found guilty of immoral or dishonorable conduct by the
9 Board;

10 (c) summarily adjudged guilty for violation of the General
11 Instruction to Examinees by the Board; and

12 (d) declared of unsound mind by a court of competent
13 jurisdiction.

14 In refusing such registration, the Board shall give the applicant
15 a written statement setting forth the reasons therefor and shall file a
16 copy thereof in its records.

17 **Sec. 31. Revocation or Suspension of the Certificates of**
18 **Registration and Cancellation of Temporary/Special Permit** – The
19 Board shall have the power, upon notice of hearing, to revoke or
20 suspend the certificate of registration of a Professional Mining
21 Engineer, Mining Engineer or Certified Mine Foremen to cancel a
22 temporary/special permit granted to a foreign mining engineer, for
23 violation of any of the grounds or causes in Sec. 30 of this Act, except
24 (c) thereof and on any of the following grounds :

25 (a) violation of a provision of this Act, its Implementing Rules
26 and Regulations, Code of Ethics, and Code of Professional
27 and Technical Standards for the practice of mining
28 engineering;

29 (b) perpetration or use of fraud in obtaining his/her certificate
30 of registration, professional identification card, or
31 temporary/special permit;

- 1 (c) gross incompetence, negligence or ignorance resulting to
- 2 death, injury or damage;
- 3 (d) any act of misrepresentation in connection with an alleged
- 4 performance of mining engineering activities;
- 5 (e) acts inimical to the mining engineering profession;
- 6 (f) gross immorality;
- 7 (g) conviction by final judgment of any act involving moral
- 8 turpitude;
- 9 (h) aiding or abetting the illegal practice of a non-registered and
- 10 non-licensed mining engineer by allowing him/her to use
- 11 his/her certificate of registration and/or professional
- 12 identification card, or his/her temporary/special permit;
- 13 (i) illegally practicing the profession during his/her suspension
- 14 from the practice thereof; or
- 15 (j) addicted to a drug or alcohol abuse impairing his/her ability
- 16 to practice his/her profession, or declared with an unsound
- 17 mind by a court of competent jurisdiction.

18 The Board shall periodically evaluate the aforementioned
19 grounds and revise, exclude or add new ones as the need arises
20 subject to the approval by the Commission.

21 Any person, firm or association may file charges in accordance
22 with the provision of this Section against any registrant, or the Board
23 may investigate violation of any of the above-mentioned causes. An
24 affidavit-complaint shall be filed together with the affidavits of
25 witnesses and other documentary evidence with the Board through
26 the Legal and Investigation Office. The Board may *motu proprio*
27 conduct an investigation which shall be embodied in a formal charge
28 to be signed by at least a majority of the members of the Board. The
29 rules on administrative investigation issued by the Commission shall
30 govern the hearing or investigation subject to applicable provisions of
31 this Act, R.A. No. 8981 and the Rules of Court.

1 **Sec. 32. Re-issuance of Revoked Certificate of Registration**
2 **and Replacement of Lost Certificate of Registration and**
3 **Professional Identification Card** – The Board may, after two (2) years
4 from the date of revocation of the Certificate of Registration, re-issue a
5 certificate upon proper application.

6 A new Certificate of Registration and Professional Identification
7 Card, or temporary/special permit, which has been lost, destroyed or
8 mutilated, may be reissued after payment of the required fee
9 prescribed by the Commission.

10 **Sec. 33. Mining Engineers Required in Mines** – The following
11 functions and responsibilities shall be discharged by respective
12 mining engineer categories:

13 (a) Professional Mining Engineers- Senior mine management
14 functions in mines; consultants; professors of major mining
15 subjects, senior government officials.

16 (b) Mining Engineers- Junior mine management functions in
17 mines, senior management functions in small-scale mines,
18 lecturers, assistant professors of professional major mining
19 subjects, junior government personnel.

20 *Provided,* That the definition and scope of senior and junior
21 management positions shall be stipulated in the Implementing Rules
22 and Regulations (IRR) of this Act consistent with the minimum
23 personnel complement as provided under RA 7942, otherwise known
24 as the New Mining Act, and its IRR.

25 **Article IV**

26 **PRACTICE OF MINING ENGINEERING**

27 **Sec. 34. Prohibition from Practicing Mining Engineering** –

28 No person shall practice or offer to practice mining engineering in the
29 Philippines without having been previously registered as a
30 Professional Mining Engineer, Mining Engineer or Certified Mine
31 Foreman under the provisions of this Act or granted a temporary
32 /special permit.

1 **Sec. 35. Who May Practice Mining Engineering** – Except as
2 may be otherwise provided in this Act, only persons properly licensed
3 and registered may practice mining engineering in the country. No
4 firm, partnership, corporation or association may be licensed and
5 registered as such for the practice of mining engineering. Duly
6 licensed professional mining engineers and/or mining engineers may
7 form partnerships among themselves and use the title “Mining
8 Engineers” or “Professional Mining Engineers”, or “Engineers” in
9 their partnership name.

10 **Sec. 36. Vested Rights** – All practicing mining engineers who
11 are registered as mining engineers at the time this Act takes effect,
12 shall automatically be registered under this Act as Mining Engineers.

13 **Sec. 37. Roster of Engineers and Foremen** – A roster
14 showing the names, registration numbers and dates of issue and
15 expiry, current addresses, place of business of all Professional Mining
16 Engineers, Mining Engineers and Certified Mine Foremen, shall be
17 prepared and kept by the Commission which shall be made available
18 to interested parties upon formal written request.

19 **Sec. 38. Foreign Reciprocity** – No foreign mining engineer
20 shall be granted any of the rights and privileges under this Act unless
21 the country of which he/she is a subject or citizen grants the same or
22 similar rights or privileges to Filipino mining engineers.

23 **Sec. 39. Indication of Certificate of Registration and**
24 **Professional Tax Receipt** – A Professional Mining Engineer, a Mining
25 Engineer or a Certified Mine Foreman shall be required to indicate
26 his/her Certificate of Registration number, the duration of validity,
27 including the professional tax receipt number and APO Membership
28 Fee Receipt number on the documents he/she signs, uses or issues in
29 connection with the practice of his/her profession.

30 **Sec. 40. Posting of Certificates** – The owner, manager or
31 other person in charge of any mine or quarry operation of a firm, co-
32 partnership, company, corporation, or joint stock association, shall

1 post or cause to be posted in a conspicuous place within the premises
2 of such mines, the certificate of registration of professional mining
3 engineers, mining engineers and mine foremen employed therein.

4 **Sec. 41. Integration of the Mining Engineering Profession –**

5 The mining engineering profession shall be integrated into one (1)
6 national professional organization composed of professional mining
7 engineers, mining engineers and certified mine foremen and shall be
8 duly registered with the Securities and Exchange Commission (SEC).
9 The Board, subject to approval by the Commission shall accredit the
10 said organization as the one and only integrated and accredited
11 professional organization (APO) of professional mining engineers,
12 mining engineers and certified mine foremen. All professional mining
13 engineers, mining engineers and certified mine foremen whose names
14 appear in the Registry Book of these professionals shall *ipso facto* or
15 automatically become members thereof and shall receive all the
16 benefits and privileges appurtenant thereto upon payment of APO
17 membership fees and dues.

18 Membership in the integrated accredited professional
19 organization shall not be a bar to membership in other mining
20 engineering organizations.

21 **ARTICLE V**

22 **PENAL AND GENERAL PROVISIONS**

23 **Sec. 42. Penal Clause –** The following shall, upon conviction, be
24 punished by a fine of not less than Ten Thousand Pesos (P10,000.00)
25 but not more than One Million Pesos (P1,000,000.00) or imprisonment
26 of not less than one (1) month but not more than five (5) years at the
27 discretion of the court:

- 28 (a) Any person who shall practice mining engineering in the
29 Philippines, as defined in this Act, without a valid
30 certificate of registration and valid professional
31 identification card, or temporary/special permit in

- 1 accordance with the provisions of this Act, unless declared
2 exempt from registration.
- 3 (b) Any person presenting or using as his/her own certificate
4 of registration and/or professional identification card or
5 temporary/special permit of another.
- 6 (c) Any person who shall give any false or forged evidence.
- 7 (d) Any person who shall impersonate any registrant of like or
8 different name.
- 9 (e) Any person who shall use a revoked or suspended
10 certificate of registration, and/or a valid professional
11 identification card, or a valid temporary/special permit, or
12 an expired/non-current Professional identification card, or
13 an expired cancelled temporary/special permit.
- 14 (f) Any person who shall assume, use, or advertise any title or
15 description tending to convey the impression that he/she is
16 a mining engineer without having graduated as such, or is
17 engaged in the mining engineering practice, without
18 holding a valid certificate of registration and a valid
19 professional identification card, or a valid temporary/
20 special permit from the Board.

21 **Sec. 43. Act Not Affecting Other Professions** – This Act shall
22 not affect or prevent the practice of any other legally recognized
23 profession.

24 **Sec. 44. Enforcement of the Act by the Officers of the Law** –
25 The Board shall be assisted by the Commission in carrying out the
26 provisions of this Act and its implementing rules and regulations and
27 other policies. The lawyers of the Commission shall act as the
28 prosecutors against illegal practitioners and other violations of this
29 Act and its rules. The duly constituted authorities of government shall
30 likewise assist the Board and the Commission in enforcing the
31 provisions of this Act and its rules.

1 **Sec. 45. Implementing Rules and Regulations** – Subject to
2 the approval of the Commission, the Board in consultation with the
3 APO shall adopt and promulgate such implementing rules and
4 regulations and the Code of Ethics and Code of Professional and
5 Technical Standards of Mining Engineers to carry out the provisions of
6 this Act.

7 **Sec. 46. Funding Provision** – The Chairperson of the
8 Professional Regulation Commission shall immediately include in the
9 Commission's programs the implementation of this Act, the funding of
10 which shall be included in the Annual General Appropriations Act.

11 **Sec. 47. Transitory Provisions** - (a) Faculty Members currently
12 teaching major mining engineering subjects in universities, colleges,
13 institutes, or schools shall not be allowed to continue teaching after
14 five (5) years from the approval of this Act, unless they are or they
15 have become Mining Engineers with a Master's degree in Mining
16 Engineering or its equivalent from duly recognized and accredited
17 universities, colleges, institutes or schools and have at least five years
18 of practical experience in an open pit and/or underground mine.

19 (b) The incumbent Chairperson and Members of the Board shall
20 automatically be issued Certificates of Registration and Professional
21 Identification Card as Professional Mining Engineers. They shall
22 continue to function in the Board until such time as a new Board
23 shall have been constituted under this Act.

24 **Sec. 48. Separability Clause** – If any section or portion of this
25 Act shall be declared unconstitutional or invalid, such shall not
26 invalidate any other section of this Act.

27 **Sec. 49. Repealing Clause** - R.A. 4274, as amended, is hereby
28 repealed. All other laws, parts of law, orders, ordinances, or
29 regulations relative to the practice of mining engineering which are
30 inconsistent with the provisions of this Act are hereby repealed or
31 modified accordingly.

1 **Sec. 50. Effectivity** – This Act shall take effect fifteen (15) days
2 after its publication in the *Official Gazette* or in a newspaper of general
3 circulation.
4 Approved.