

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

COMMITTEE REPORT NO. 943

Submitted by the Committees on Civil Service and Professional Regulation and Appropriations on 19 MAY 2011
Re: House Bill No. 4693
Recommending its approval in substitution of House Bill No. 3802
Sponsors: Representatives Andres D. Salvacion, Jr., Joseph Emilio A. Abaya, Victor J. Yu and Mariano U. Piamonte, Jr.

Mr. Speaker:

The Committees on Civil Service and Professional Regulation and Appropriations to which was referred House Bill No. 3802 introduced by Reps. Victor J. Yu and Mariano U. Piamonte, Jr., entitled:

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

have considered the same and recommend that the attached House Bill No. 4693 entitled:

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 approved in substitution of House Bill No. 3802, and with Reps. Victor J. Yu, Mariano U. Piamonte, Jr., Andres D. Salvacion, Jr., Joseph Emilio A. Abaya, Daryl Grace J. Abayon, Marlyn L. Primicias-Agabas, Angelo B. Palmones, Cresente C. Paez, Julieta R. Cortuna, Jocelyn S. Limkaichong, Carlos M. Padilla, Luzviminda C. Ilagan, Rodolfo B. Albano, Jr., Thelma Z. Almario, and Marcelino R. Teodoro as authors thereof.

Respectfully submitted,



HON. JOSEPH EMILIO A. ABAYA
Chairman
Committee on Appropriations



HON. ANDRES D. SALVACION, JR.
Chairman
Committee on Civil Service
and Professional Regulation

THE HONORABLE SPEAKER
HOUSE OF REPRESENTATIVES
QUEZON CITY



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

HON. JOSEPH EMILIO A. ABAYA

*Congressman, 1st District, Cavite
Chairman, Committee on Appropriations*

March 14, 2011

HON. ANDRES D. SALVACION, JR.

*Chairman
Committee on Civil Service and Professional Regulation*

Dear Chairman Salvacion:

The Committee on Appropriations will hold a meeting on Tuesday, March 22, 2011, 9:30 A.M. at Conference Rooms 9 and 10, R.V. Mitra Building, to deliberate on several measures including Substitute Bill to House Bill No. 3802, entitled "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".

As the Chairman of the Sponsoring Committee, may we invite you in the deliberation of the proposed measure.

Thank you.

Very truly yours,


JOSEPH EMILIO AGUINALDO ABAYA *uly*

HOUSE OF REPRESENTATIVES
COMMITTEE ON CIVIL SERVICE

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FACT SHEET

House Bill No. 3802

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

Introduced by: REPRESENTATIVES VICTOR J. YU and MARIANO U. PIAMONTE, JR.

Committee Referral: COMMITTEE ON CIVIL SERVICE AND PROFESSIONAL REGULATION (Primary)

Committee Chairperson: REP. ANDRES D. SALVACION, JR.

Committee Referral: COMMITTEE ON APPROPRIATIONS (Secondary)

Committee Chairperson: REP. JOSEPH EMILIO A. ABAYA

OBJECTIVES:

- To update and upgrade the mining engineering profession as well as to re-define and expand the scope of practice
- To provide harmonization of geology and metallurgical laws
- To institute provisions which are consistent with the provisions of R.A. 8981, the PRC Modernization Act of 2000
- To institutionalize government service as part of mining engineering practice

KEY PROVISIONS:

- Mandates the inclusion of extraction of mineral energy and groundwater reserves in the new scope of practice.
- Empowers accredited professional organization and its role in regulation of its professionals.
- Provides for the inclusion of employment in government service and teaching of professional engineering subjects in the practice of the profession as well as supervision of construction works requiring knowledge of mining engineering.

RELATED LAWS:

- R.A. 8981, PRC Modernization Act of 2000
- R.A. 4274, Mining Engineering Law of the Philippines

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 4693

Introduced by: Representatives Victor J. Yu, Mariano U. Piamone, Jr., Andres D. Salvacion, Jr., Joseph Emilio A. Abaya, Daryl Grace J. Abayon, Marlyn L. Primicias-Agabas, Angelo B. Palmones, Cresente C. Paez, Julieta R. Cortuna, Jocelyn S. Limkaichong, Carlos M. Padilla, Luzviminda C. Ilagan, Rodolfo B. Albano, Jr., Thelma Z. Almario and Marcelino R. Teodoro

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

1 **Section 1. Title.** – This Act shall be known as the "Mining Engineering Act of 2011".

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

7 **Sec. 3. Objectives.** - This Act shall govern but shall not be limited to:

- 8 (a) the examination, registration, and licensure of professional mining engineers, mining
9 engineers and certified mine foremen;
10 (b) the supervision, control and regulation of the practice of mining engineering;
11 (c) the development and upgrading of the curriculum of the mining engineering
12 profession;

- 1 (d) the promotion of the professional competence of mining engineers through continuing
2 professional development/education; and
3 (e) the integration of the mining engineering profession.

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

- 6 (a) *Practice of mining engineering* shall mean the rendering or offering of mining
7 engineering services for a fee, salary, reward or compensation paid directly or
8 through another person or persons, or even without such reward or compensation.
9 (b) *Mine* shall mean all kinds of excavations and/or extractions aimed at extracting
10 minerals/materials, energy resources or groundwater resources for beneficial usages
11 in the context of responsible mining and sustainable development.
12 (c) *Mineral/ore resource* shall mean a concentration or occurrence of minerals/materials
13 of intrinsic economic interest in or on the earth's crust in such form and quantity that
14 there are reasonable prospects for eventual economic extraction.
15 (d) *Mineral/ore reserve* shall mean that portion of a mineral resource that is economically
16 mineable and which, after the application of all mining factors, result in an estimated
17 tonnage and grade, and, based on the certification of the mining engineer making the
18 estimates, could be the basis of a viable project after taking into account all relevant
19 mining, metallurgical, economic, marketing, legal, environmental, social and
20 governmental factors.
21 (e) *Energy resources* shall mean coal, gas, petroleum, geothermal fluids or radioactive
22 minerals that can be mined or harnessed for the production of power and other
23 beneficial usages.
24 (f) *Water reserves* shall mean groundwater deposits proven through hydro-geological
25 exploration where water can be beneficially extracted or harnessed for power
26 generation and industrial development.
27 (g) *Mine installations* shall mean surface, underground or underwater excavations that
28 require knowledge of mining engineering.
29 (h) *Professional mining engineer, mining engineer, certified mine foreman* shall mean
30 persons who hold valid certificates of registration and professional identification
31 cards issued by the Professional Regulatory Board of Mining Engineering and the
32 Professional Regulation Commission.

Sec. 5. Scope of Practice. - A person shall be deemed to be practicing the profession of mining engineering or rendering mining engineering services within the meaning and intent of this Act when one performs, but not be limited to, any or all of the following:

- (a) Management, engineering or supervisory positions in mines, mine installation or construction projects where knowledge in mining engineering is necessary in carrying out such function;
- (b) Calculation, estimation and certification of mineral, energy and water reserves, preparation of mine feasibility studies; mine valuation or auditing; and mine consulting;
- (c) Participation in the preparation of environmental studies for mining projects and monitoring under the Environmental Impact Assessment (EIA) system;
- (d) Preparation, approval or signing of mining documents such as, but not limited to, mine reports, mine plans and designs, specifications or project estimates;
- (e) Design, commissioning or decommissioning of mines, mining methods and applicable machinery, works or installation;
- (f) Employment in government service, if the nature and character of the work is in line with the profession requiring professional knowledge of the science of mining engineering;
- (g) Management or supervision of small scale mines or similar projects as prescribed by law;
- (h) Mine engineering practice or services covered by bilateral or multilateral trade agreements where the Philippines is a signatory;
- (i) Teaching, lecturing and reviewing of professional mining engineering subjects in government-recognized and -accredited universities, colleges, schools and institutes; and
- (j) All other functions, services and activities which, in the assessment and opinion of the Board, the same constitute the practice of mining engineering.

ARTICLE II

CREATION OF THE PROFESSIONAL REGULATORY BOARD OF MINING ENGINEERING

Sec. 6. Composition of the Board of Mining Engineering. - There is hereby created a Professional Regulatory Board of Mining Engineering, hereinafter referred to as the Board, under the administrative control and supervision of the Professional Regulation Commission.

hereinafter referred to as the Commission, composed of a chairperson and two (2) members to be appointed by the President of the Philippines from among those recommended by the Commission from the nominees of the duly accredited professional organization (APO) of professional mining engineers, mining engineers and certified mine foremen. The new Board shall be constituted three (3) months from the effectivity of this Act.

Sec. 7. Powers and Duties of the Board. - The Board shall have the following powers and duties:

- (a) Supervise and regulate the practice of mining engineering profession;
- (b) Determine and evaluate the qualifications of the applicants for registration;
- (c) Prescribe the subjects in the licensure examinations, determine the syllabi of the subjects and their relative weights, construct the test questions in the examinations, score and rate the examination papers, and submit the examination results to the Commission;
- (d) Issue, together with the Commission, certificates of registration and professional identification cards to applicants who have passed the licensure examinations for registered mining engineers;
- (e) Issue special/temporary permits to foreign mining engineers to practice the profession;
- (f) Inquire into conditions affecting the practice of the profession and adopt measures for the enhancement and maintenance of high professional, ethical and technical standards. Pursuant thereto, the Board may inspect establishments where mining engineers practice their profession such as mines, plants, offices and the like in order to determine and enforce compliance with the provisions of this Act and issue certificates of compliance for the purpose;
- (g) Inspect the facilities, faculty, equipment and other aspects directly related to the mining engineering program of educational institutions in coordination with the Commission on Higher Education (CHED);
- (h) Adopt the Implementing Rules and Regulations (IRRs) necessary for carrying out the provisions of this Act;
- (i) Adopt a Code of Ethics and a Code of Professional and Technical Standards for the practice of the mining engineering profession;
- (j) Investigate, in accordance with the rules on administrative investigation promulgated by the Commission, violations of this Act and its IRR, the Code of Ethics and the

- 1 Code of Professional and Technical Standards for mining engineers, administrative
2 policies, orders and issuances promulgated by the Board;
- 3 (k) Issue *subpoena duces tecum* to secure the attendance of witnesses or the production
4 of documents in connection with administrative cases before the Board;
- 5 (l) Hear and decide administrative cases filed against mining engineers and firms
6 employing mining engineers. The hearing shall be presided by the chairperson or a
7 member of the Board with the assistance of a lawyer from the Commission. The
8 decision of the Board may be appealed to the Commission and to the Court within
9 fifteen (15) days from notice, otherwise the decision shall become final and
10 executory;
- 11 (m) Administer oaths in connection with the performance of its functions;
- 12 (n) Adopt an official seal and prescribe the seal of the mining engineering profession;
- 13 (o) Submit an annual report on the proceedings and accomplishments during the year
14 and/or recommendations of the Board to the Commission thirty (30) days after the
15 close of each calendar year;
- 16 (p) Prosecute or institute criminal action against any violator of this Act and/or rules and
17 regulations of the Board;
- 18 (q) Prescribe guidelines and criteria on the Continuing Professional Education (CPE)
19 program for mining engineers in consultation with the integrated and accredited
20 professional organization of mining engineers; and
- 21 (r) Perform regulatory, administrative, and quasi-legislative functions as mandated under
22 R.A. 8981, otherwise known as the "PRC Modernization Act of 2000", and such
23 other functions as may be necessary in order to implement the provisions of this Act.

24 **Sec. 8. Qualifications of the Chairperson and Members of the Board.** - The
25 chairperson and members of the Board shall, at the time of their appointment, possess the
26 following qualifications:

- 27 (a) Must be a citizen and a resident of the Philippines;
- 28 (b) Must be at least a holder of a bachelor's degree in mining engineering as conferred by
29 an engineering school of good standing, recognized and accredited by the
30 government;
- 31 (c) Must be a professional mining engineer with a valid certificate of registration and
32 professional identification card and an active practitioner for not less than ten (10)
33 continuous years prior to his/her appointment;

(d) Must be a person who does not have any pecuniary interest, directly or indirectly in any university, college, school or institution conferring an academic degree necessary for the admission to the practice of mining engineering, or institutions where review classes in preparation for the licensure examinations for mining engineers are being officially offered or conducted; nor shall one be a member of the faculty or of the administration thereof prior to appointment to the Board; and

(e) Must be a member of the accredited professional organization of mining engineers but not a trustee or officer thereof.

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

The chairperson and members of the Board shall qualify by taking the proper oaths prior to assumption of office.

Sec. 10. Compensation of the Board. - The chairperson and members of the Board shall receive compensation and allowances comparable to that being received by the chairpersons and members of other professional regulatory boards under the Commission as provided for in the General Appropriations Act.

Sec. 11. Custodian of Records, Secretariat and Support. - All records of the Board, including applications for examinations, examination papers and results, minutes of meetings, deliberations of administrative and other investigative cases involving the Board 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.

Sec. 12. Grounds for Removal or Suspension of the Chairperson and Members of the Board. - The President of the Philippines, upon the recommendation of the Commission, after due process and administrative investigation conducted by the Commission, may remove or suspend the chairperson or a member of the Board on any of the following grounds:

- (a) Gross negligence, incompetence or dishonesty in the discharge of their duties;
- (b) Violation of any of the causes/grounds and the prohibited acts provided in this Act and the offenses in the Revised Penal Code, the Anti-Graft and Corrupt Practices Act and other laws; or

(c) Manipulation or rigging of the licensure examination result for mining engineering, disclosure of secret and confidential information on the examination questions prior to the conduct thereof, or tampering of grades.

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

ARTICLE III

LICENSURE EXAMINATION AND REGISTRATION

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

- (a) Professional Mining;
- (b) Mining Engineer; and
- (c) Certified Mine Foreman

Sec. 15. Passing of Licensure Examination Requirement. - Except as otherwise specifically allowed under this Act, applicants for registration for the practice of mining engineering shall be required to pass a licensure examination as provided for in this Act in such places and dates as the Commission may designate in accordance with the provisions of Republic Act No. 8981.

Sec. 16. Holding of Examination. - Examination of candidates applying for registration as mining engineer shall be given at least once a year on the date and venue prescribed by the Commission and such examination shall be conducted by the Board.

Sec. 17. Scope of Examination for Mining Engineers. - In the licensure examinations for mining engineers, the scope of examination, methods and procedures shall be prescribed by the Board. The licensure examination shall cover, but shall not be limited to, the following subjects:

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

The Board, subject to approval by the Commission, may revise or exclude any of the subjects and their syllabi, and add new ones as the need arises to conform to technological changes brought about by continuing trends in the profession: *Provided, That* a detailed syllabi

1 of the above examinations covering the whole aspects of the mining engineering profession and
2 practice shall be prepared by the Board.

3 **Sec. 18. Qualifications of Applicants for Mining Engineer.** - Applicants for the
4 licensure examination for mining engineers shall establish to the satisfaction of the Board that
5 they possess the following qualifications:

6 (a) A citizen of the Philippines or a foreign citizen whose country has reciprocity
7 agreement with the Philippines ;

8 (b) A holder of a degree of Bachelor of Science in Mining Engineering from a university,
9 school, college, academy, or institute duly constituted and recognized as such by the
10 government; and

11 (c) Must not have been convicted by a court of law of a crime involving moral turpitude.

12 **Sec. 19. Registration of Professional Mining Engineer and Certified Mine Foreman.**

13 - Registration of the following categories of practice of mining engineering shall require no
14 written licensure examinations.

15 (a) Professional Mining Engineer - The granting of certificate of registration to
16 professional mining engineers shall be testimonial in nature. Candidates for
17 certification shall be nominated by the accredited professional organization which
18 shall evaluate, attest and certify to the credentials of applicants to include, but not
19 limited to, an enumeration of experience and presentation of a mining engineering
20 report or technical paper pertinent to their line of experience.

21 (b) Certified Mine Foreman - The granting of certificate of registration as certified mine
22 foreman shall be upon the nomination of the accredited professional organization
23 which shall evaluate, testify and certify to the qualification of applicants through oral
24 examinations on specific subjects such as, but not limited to, mining operations,
25 drilling and blasting, mine safety, environmental protection and pertinent mine rules
26 and regulations: *Provided*, That applicants for blaster foreman's licenses issued by
27 the Philippine National Police (PNP) must be either a graduate of mining engineer or
28 a registered mining engineer or a certified mine foreman.

29 **Sec. 20. Qualifications of Applicants for Professional Mining Engineer.** - Applicants
30 for registration as professional mining engineers shall, at the time of the filing of their
31 applications, establish to the satisfaction of the Board that they possess the following
32 qualifications:

- (a) A citizen of the Philippines or a foreign citizen whose country has reciprocity agreement with the Philippines;
- (b) Has a valid certificate of registration as mining engineer and a holder of a valid professional identification card;
- (c) Has graduated from an engineering school or college of recognized standing, after completing an approved course in mining engineering;
- (d) Has a specific record of a total of ten (10) years or more of active and continuous mining engineering practice prior to the registration;
- (e) Holds at least one certificate of specialization in mining engineering as specified under Section 26 hereof; and
- (f) Must not have been convicted by a court of law of a crime involving moral turpitude.

Sec. 21. - Qualifications of Applicants for Mine Foreman. – Applicants for registration as mine foremen shall establish to the satisfaction of the Board that they possess the following qualifications:

- (a) A Filipino citizen and at least twenty-one (21) years of age;
- (b) Of good reputation and moral character;
- (c) A graduate of a mine foreman course from a mining school or institute duly accredited by the government and has at least ten (10) years actual experience in mining; or
- (d) A graduate of mining engineering from a government-recognized school, university, institute or college with at least five (5) years of actual experience in mining; or
- (e) A college graduate with at least fifteen (15) years of actual experience in mining; and
- (f) Certified and attested to by the accredited professional association of mining engineers as competent to be a mine or quarry foreman.

Sec. 22. Examination Fees. - Any applicant admitted to take the mining engineering examination shall pay such fees as may be prescribed by the Commission before one is allowed to take the same.

Sec. 23. Rating in the Licensure Examination. - To pass the licensure examination for mining engineering, a candidate must obtain a general or weighted average of no less than seventy per centum (70%) and a rating of no less than fifty per centum (50%) in any examination subject.

Sec. 24. Report of Ratings. - The Board shall complete the correction of examination papers within three (3) days from the last day of examinations. The Commission shall report the

1 rating of examinees not more than thirty (30) days after the Board has completed the correction
2 of examination papers.

3 **Sec. 25. Issuance of Certificates of Registration and Professional Identification**

4 **Card.** - A certificate of registration shall be issued to those who are registered with or without
5 licensure examination subject to the payment of fees prescribed by the Commission. It shall bear
6 the signatures of the Chairperson of the Commission and of the chairperson and members of the
7 Board, stamped with the official seal of the Commission and of the Board, certifying that the
8 person named therein is entitled to the practice of the profession with all the privileges
9 appurtenant thereto. Until withdrawn, revoked, or suspended in accordance with this Act, it shall
10 remain in full force and effect.

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

14 **Sec. 26. Issuance of Certificates of Specialization.** - Upon the nomination of the

15 accredited professional organization of mining engineers, the Board shall issue a certificate of
16 specialization to an applicant who is a registered mining engineer and who has specialized
17 knowledge, training and experience in a specific field of mining and has documented one's
18 expertise and competence on the same.

19 **Sec. 27. Seal of a Professional and Registered Mining Engineer.** - A professional

20 mining engineer or a mining engineer, upon registration and payment of fees and dues to the
21 accredited professional organization, shall obtain a seal of such design prescribed by the Board,
22 bearing the registrant's name, certificate number and the legend "Professional Mining Engineer"
23 or "Mining Engineer". Designs, plans, specifications, project feasibility studies, appraisals,
24 valuations, recommendations, technical reports, proposals and other professional documents
25 involving mines, quarries, coallier works, projects or installations shall be stamped on every
26 sheet with the said seal of the registrant when filed with government authorities or when
27 submitted or used professionally: *Provided*, That it shall be unlawful for any one to stamp or
28 seal any document with the said seal after the certificate and/or professional identification card
29 shall have been revoked or cancelled or has expired.

30 **Sec. 28. Fees for Registration.** - Every person issued a certificate of registration shall

31 pay the Commission such fees as the Commission may prescribe.

32 **Sec. 29. Issuance of Temporary/Special Permits.** - Temporary/Special Permits shall be

33 issued to the following upon proper application with the Board:

- 1 (a) Foreign mining engineers, recognized as experts in their specific fields of mining
2 engineering, called in by the Republic of the Philippines for consultation or for
3 specific design, installation or project: *Provided*, That their practice shall be confined
4 to such work only;
- 5 (b) Foreign mining engineers who have distinguished themselves in their respective
6 fields of specialization, contracted as professors or lecturers on mining engineering
7 subjects by Philippine schools or colleges, institutes or universities on a direct hire or
8 exchange basis, subject to verification of credentials by the Board; or
- 9 (c) Foreign mining engineers who are duly registered under the bilateral or multilateral
10 agreements where the Philippines is a signatory: *Provided*, That all the above shall
11 secure a temporary/special permit from the Board prior to arrival in the country.

12 **Sec. 30. - Refusal to Register.** - The Board shall not register any successful applicant for
13 registration with or without licensure examination who has been:

- 14 (a) convicted of an offense involving moral turpitude by a court of competent
15 jurisdiction;
- 16 (b) found guilty of immoral or dishonorable conduct by the Board;
- 17 (c) summarily adjudged guilty for violation of the General Instruction to Examinees by
18 the Board; and
- 19 (d) declared of unsound mind by a court of competent jurisdiction.

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

22 **Sec. 31. Revocation or Suspension of the Certificates of Registration and**
23 **Cancellation of Temporary/Special Permit.** - The Board shall have the power, upon notice and
24 hearing, to revoke or suspend the certificate of registration of a professional mining engineer,
25 mining engineer or certified mine foreman or to cancel a temporary/special permit granted to a
26 foreign mining engineer, for violation of any of the grounds or causes in Sec. 30 of this Act,
27 except paragraph (c) thereof, and on any of the following grounds:

- 28 (a) Violation of a provision of this Act, its Implementing Rules and Regulations (IRRs),
29 Code of Ethics, and Code of Professional and Technical Standards for the practice of
30 mining engineering;
- 31 (b) Perpetration or use of fraud in obtaining one's certificate of registration, professional
32 identification card or temporary/special permit;
- 33 (c) Gross incompetence, negligence or ignorance resulting to death, injury or damage;

- (d) Commission of any act of misrepresentation in connection with an alleged performance of mining engineering activities;
- (e) Commission of acts inimical to the mining engineering profession;
- (f) Gross immorality;
- (g) Conviction by final judgment of any act involving moral turpitude;
- (h) Aiding or abetting the illegal practice of a non-registered and non-licensed mining engineer by allowing the use of one's certificate of registration and/or professional identification card, or temporary/special permit;
- (i) Illegal practice of the profession during the suspension from the practice thereof; or
- (j) Addiction to drugs or alcohol impairing the ability to practice the profession, or a declaration by a court of competent jurisdiction that the registrant is of unsound mind.

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

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

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

A new certificate of registration and professional identification card or temporary/special permit, which has been lost, destroyed or mutilated, may be reissued after payment of the required fee prescribed by the Commission.

Sec. 33. Categories of Mining Engineers. - The following mining engineer categories shall perform the corresponding functions and responsibilities:

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

(b) Mining Engineers - Junior mine management functions in mines; senior management functions in small scale mines; lecturers; assistant professors of professional major mining subjects; and junior government personnel.

Provided, That the definition and scope of senior and junior management positions shall be stipulated in the IRR of this Act consistent with the minimum personnel complement as provided under Republic Act No. 7942, otherwise known as the New Mining Act, and its IRR.

ARTICLE IV

PRACTICE OF MINING ENGINEERING

Sec. 34. Prohibition from Practicing Mining Engineering. - No person shall practice or offer to practice mining engineering in the Philippines without having been previously registered as a professional mining engineer, a mining engineer or a certified mine foreman under the provisions of this Act or granted a temporary/special permit.

Sec. 35. Who May Practice Mining Engineering. - Except as may be otherwise provided in this Act, only persons properly licensed and registered may practice mining engineering in the country. No firm, partnership, corporation or association may be licensed and registered as such for the practice of mining engineering. Duly licensed professional mining engineers and/or mining engineers may form partnerships among themselves and use the title "Mining Engineers" or "Professional Mining Engineers" or "Engineers" in their partnership name.

Sec. 36. Vested Rights. - All practicing mining engineers who are registered as mining engineers at the time this Act takes effect shall automatically be registered under this Act as mining engineers.

Sec. 37. Roster of Engineers and Foremen. - A roster showing the names, registration numbers and dates of issue and expiry, current addresses, place of business of all professional mining engineers, mining engineers and certified mine foremen shall be prepared and kept by the Commission which shall be made available to interested parties upon formal written request.

Sec. 38. Foreign Reciprocity. - No foreign mining engineer shall be issued a certificate of registration to practice the mining engineer profession or be entitled to any of the rights and privileges under this Act unless the country of which one is a subject or citizen specifically permits Filipino mining engineers to practice within its territorial limits on the same basis as the subjects or citizens of such foreign state or country.

Sec. 39. Indication of Certificate of Registration and Professional Tax Receipt. - A professional mining engineer, a mining engineer or a certified mine foreman shall be required to

1 indicate the certificate of registration number and the duration of validity, including the
2 professional tax receipt number and APO membership fee receipt number on the documents one
3 signs, uses or issues in connection with the practice of the profession.

4 **Sec. 40. Posting of Certificates.** – The owner, manager or other person in charge of any
5 mine or quarry operation of a firm, co-partnership, company, corporation or joint stock
6 association shall post, or cause to be posted in a conspicuous place within the premises of such
7 mines, the certificate of registration of professional mining engineers, mining engineers and mine
8 foremen employed therein.

9 **Sec. 41. Integration of the Practitioners of Mining Engineering.** – For effective
10 regulation, all professional mining engineers, mining engineers and certified mine foremen,
11 regardless of individual aggrupations, shall be integrated into one (1) national professional
12 organization which shall be duly registered with the Securities and Exchange Commission
13 (SEC). The Board, subject to approval by the Commission, shall accredit the said organization
14 as the one and only integrated and accredited professional organization (APO) of professional
15 mining engineers, mining engineers and certified mine foremen. All professional mining
16 engineers, mining engineers and certified mine foremen whose names appear in the Registry
17 Book of these professions shall *ipso facto* or automatically become members thereof and shall
18 receive all the benefits and privileges appurtenant thereto upon payment of APO membership
19 fees and dues.

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

22 ARTICLE V

23 PENAL AND GENERAL PROVISIONS

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

- 28 (a) the practice of mining engineering in the Philippines as defined in this Act, without a
29 valid certificate of registration and a valid professional identification card or
30 temporary/special permit in accordance with the provisions of this Act, unless
31 declared exempt from registration;
- 32 (b) the presentation or use of the certificate of registration and/or professional
33 identification card or temporary/special permit of another;

- (c) the falsification or forgery of forged evidence;
- (d) the impersonation of any registrant of like or different name;
- (e) the use of a revoked or suspended certificate of registration, and/or a valid professional identification card, or a valid temporary/special permit or an expired/noncurrent professional identification card, or an expired cancelled temporary/special permit; and
- (f) the assumption, use or advertisement of any title or description tending to convey the impression that one is a mining engineer without having completed the academic requirements and conferred the appropriate baccalaureate degree for such, or is engaged in the mining engineering practice without holding a valid certificate of registration and a valid professional identification card, or a valid temporary/ special permit from the Board.

Sec. 43. Legal Effect on Other Professions. - This Act shall not affect or prevent the practice of any other legally recognized profession.

Sec. 44. Enforcement of the Act by the Officers of the Law. - The Board shall be assisted by the Commission in carrying out the provisions of this Act and its Implementing Rules and Regulations (IRRs) and other policies. The lawyers of the Commission shall act as the prosecutors against illegal practitioners and other violations of this Act and its rules. The duly constituted authorities of government shall likewise assist the Board and the Commission in enforcing the provisions of this Act and its rules.

Sec. 45. Implementing Rules and Regulations (IRRs). - Subject to the approval of the Commission, the Board, in consultation with the APO, shall adopt and promulgate the Implementing Rules and Regulations (IRRs) , the Code of Ethics, and the Code of Professional and Technical Standards of Mining Engineers to carry out the provisions of this Act.

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

Sec. 47. Transitory Provisions. -

- (a) Faculty Members currently teaching major mining engineering 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 they have become mining engineers and have earned a Master's Degree in Mining Engineering or its equivalent from duly recognized and accredited universities, colleges, institutes or

1 schools, and have at least five (5) years of practical experience in an open pit and/or
2 underground mine.

3 (b) The incumbent Chairperson and Members of the Board shall automatically be issued
4 certificates of registration and professional identification cards as professional mining
5 engineers. They shall continue to function in the Board until such time as a new
6 Board shall have been constituted under this Act.

7 **Sec. 48. Separability Clause.** - If any section or portion of this Act shall be declared
8 unconstitutional or invalid, such shall not invalidate any other section of this Act.

9 **Sec. 49. Repealing Clause.** - Republic Act No. 4274, as amended, is hereby repealed.
10 All other laws, parts of law, orders, ordinances or regulations relative to the practice of mining
11 engineering which are inconsistent with the provisions of this Act are hereby repealed or
12 modified accordingly.

13 **Sec. 50. Effectivity.** - This Act shall take effect fifteen (15) days after its publication in
14 the *Official Gazette* or in a newspaper of general circulation.

15 Approved.