

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
Second Regular Session



COMMITTEE REPORT NO. 1833

Submitted by the Committees on Civil Service and Professional Regulation and Appropriations on 14 FEB 2012

Re: House Bill No. 5851

Recommending its approval in substitution of House Bill No. 3803

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. 3803 introduced by Reps. Victor J. Yu and Mariano U. Piamonte, Jr., entitled:

AN ACT

REGULATING THE PRACTICE OF METALLURGICAL ENGINEERING
IN THE PHILIPPINES REPEALING FOR THIS PURPOSE
PRESIDENTIAL DECREE NO. 1536, OTHERWISE KNOWN AS THE
METALLURGICAL ENGINEERING LAW OF 1978, AND FOR OTHER
PURPOSES

have considered the same and recommend that the attached House Bill No. 5851
entitled:

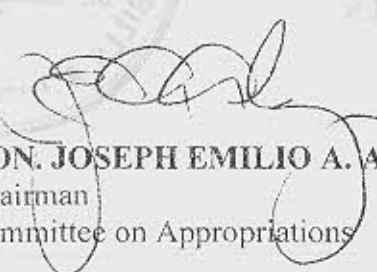
AN ACT

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be approved in substitution of House Bill No. 3803 with Reps. Victor J. Yu, Mariano U. Piamonte, Jr., Andres D. Salvacion, Jr., Joseph Emilio A. Abaya, Salvador H. Escudero III, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Angelo B. Palmones, Aurelio D. Gonzales, Jr., Antonio L. Tinio, Daryl Grace J. Abayon, Rafael V. Mariano and Carlos M. Padilla 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

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HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
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HOUSE BILL NO. 5851

Introduced by Representatives Victor J. Yu, Mariano U. Piamonte, Jr., Andres D. Salvacion, Jr., Joseph Emilio A. Abaya, Salvador H. Escudero III, Rufus B. Rodriguez, Maximo B. Rodriguez, Jr., Angelo B. Palmones, Aurelio D. Gonzales, Jr., Antonio L. Tinio, Daryl Grace J. Abayon, Rafael V. Mariano and Carlos M. Padilla

AN ACT
REGULATING THE PRACTICE OF METALLURGICAL ENGINEERING IN
THE PHILIPPINES REPEALING FOR THIS PURPOSE PRESIDENTIAL
DECREE NO. 1536, OTHERWISE KNOWN AS THE METALLURGICAL
ENGINEERING LAW OF 1978, 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 “New Metallurgical
2 Engineering Act of 2012.”

3 **Sec. 2. Statement of Policy.** – The State recognizes the importance of
4 metallurgical engineers in nation building and development. Thus, the State shall
5 develop and nurture competent, virtuous, productive and well rounded metallurgical
6 engineers whose standard of professional practice and service shall be excellent,
7 world-class and globally competitive through regulatory measures, programs and
8 activities.

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

- 10 (a) the examination, registration, and licensure of metallurgical engineers;
11 (b) the supervision, control and regulation of the practice of metallurgical
12 engineering;
13 (c) the development and upgrading of the curriculum of metallurgical
14 engineering profession;

- (d) the development of the professional competence of metallurgical engineers through continuing professional education; and
- (e) the integration of the metallurgical engineering profession.

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

- a) *Practice of metallurgical engineering* refers to the offering or rendering of services of any of the specialized branches of metallurgy for a fee, salary or other reward or compensation, paid directly or through another person or persons, or even without such reward or compensation. The term shall be synonymous with the term “rendering metallurgical engineering services”.
- b) *Metallurgical Engineering* refers to the profession which embraces the scientific, engineering, environmental and economic aspects of:
- i) Mineral Processing and Extractive Metallurgy - Preparation, separation, extraction and purification of ores, metals and mineral products by physical and chemical method such as ore dressing, pyrometallurgical processes such as roasting, and smelting, hydrometallurgical processes such as leaching, electrometallurgical processes such as electric smelting and electrolysis and other similar processes.
 - ii) Adaptive and Physical Metallurgy – Processes which pertain to the adaptation and application of metals such as melting, casting, forging, rolling, extrusion, welding and other metal working and finishing operations. These include unit operations relating to the control of microstructure of metals and their alloys such as the heat treatment and surface hardening, quality control in allowing operations to meet specification of metal alloys, and metallographic studies. These also apply to powder, mechanical, nuclear and vacuum metallurgy.
 - iii) Fuel Technology – Fuel preparation processes such as washing, flotation, and heavy media separation including carbonization, gasification and cooking operations.
- c) *Metallurgical Plant* refers to any facility involved in processes which include, but not limited to, the following:

- 1 i) Preparation, separation, concentration of minerals, coal and
- 2 metallurgical fuels;
- 3 ii) Extraction of metals such as hydrometallurgical, pyrometallurgical and
- 4 electrometallurgical processes;
- 5 iii) Adaptation and application of metals such as melting, casting, forging,
- 6 rolling, extrusion, powder metallurgy, heat treatment, welding and
- 7 other metal working and finishing operations.

8 d) *Metallurgical Engineer* refers to a person who holds a valid certificate of
9 registration and professional identification card issued by the Board of
10 Metallurgical Engineering and the Professional Regulation Commission.

11 **Sec. 5. Scope of Practice-** Metallurgical Engineering service shall embrace
12 the following similar services in relation to metallurgical plants:

- 13 a) Consultation, valuation and management services requiring metallurgical
- 14 engineering skills and know-how;
- 15 b) Engineering design, preparation of plans, specifications and project studies
- 16 or estimates for metallurgical equipment and processes;
- 17 c) Management or supervision of the testing and commissioning of
- 18 metallurgical plants;
- 19 d) Management, supervision, operation and auditing of metallurgical plants;
- 20 e) Teaching of metallurgical engineering subjects in government-recognized
- 21 universities, colleges and schools;
- 22 f) Employment in government as a metallurgical engineer if the nature and
- 23 character of the work requires professional knowledge of metallurgical
- 24 engineering;
- 25 g) Metallurgical investigation and testing of mineral and metal products;
- 26 h) Training of metallurgical plant operating personnel;
- 27 i) Research and development;
- 28 j) Participation in the preparation of environmental studies for metallurgical
- 29 projects and monitoring under the Environmental Impact Assessment
- 30 (EIA) system;
- 31 k) Teaching of metallurgical engineering subjects in any academic program
- 32 leading to a professional degree, including refresher and review courses;
- 33 and

- 1 l) Other metallurgical work or service which, in the assessment and opinion
2 of the Board, constitutes the practice of metallurgical engineering.

3 **Article II**

4 **CREATION OF THE PROFESSIONAL REGULATORY BOARD** 5 **OF METALLURGICAL ENGINEERING**

6 **Sec. 6. Creation and Composition of the Professional Regulatory Board**
7 **of Metallurgical Engineering** – There is hereby created a Professional Regulatory
8 Board of Metallurgical Engineering, hereinafter called the Board, under the
9 administrative control and supervision of the Professional Regulation Commission,
10 hereinafter called the Commission, to be composed of a chairperson and two (2)
11 members to be appointed by the President of the Philippines from a list of three (3)
12 recommendees for each position, chosen and ranked in the order of preference and
13 submitted by the Commission from a list of five (5) nominees submitted by the duly
14 accredited professional organization of metallurgical engineers in the Philippines.
15 The Board shall be organized not later than six (6) months from the effectivity of the
16 Act.

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

- 19 (a) Supervise and regulate the practice of metallurgical engineering
20 profession;
21 (b) Determine and evaluate the qualifications of the applicants for registration;
22 (c) Prescribe the subjects in the licensure examinations, determine the syllabi
23 of the subjects and their relative weights, construct the test questions in the
24 examinations, score and rate the examination papers, and submit the
25 examination results to the Commission;
26 (d) Issue, together with the Commission, certificates of registration and
27 professional identification cards to applicants who have passed the
28 licensure examinations for registered metallurgical engineers;
29 (e) Issue special/temporary permits to foreign metallurgical engineers to
30 practice the profession;
31 (f) Inquire into conditions affecting the practice of the profession and adopt
32 measures for the enhancement and maintenance of high professional,
33 ethical and technical standards. Pursuant thereto, the Board may inspect
34 establishments where metallurgical engineers practice their profession

1 such as factories, plants, offices and the like in order to determine and
2 enforce compliance with the provisions of this Act and issue certificates of
3 compliance for the purpose.

4 (g) Inspect the facilities, faculty, equipment and other aspects directly related
5 to the metallurgical engineering program of educational institutions in
6 coordination with the Commission on Higher Education (CHED);

7 (h) Adopt the Implementing Rules and Regulations (IRR) necessary for
8 carrying out the provisions of this Act.

9 (i) Adopt a Code of Ethics and a Code of Professional and Technical
10 Standards for the practice of the metallurgical engineering profession;

11 (j) Investigate, in accordance with the rules on administrative investigation
12 promulgated by the Commission, violations of this Act and its
13 Implementing Rules and Regulations, the Code of Ethics and the Code of
14 Professional and Technical Standards for metallurgical engineers,
15 administrative policies, orders and issuances promulgated by the Board;

16 (k) Issue *subpoena duces tecum* to secure the attendance of witnesses or the
17 production of documents in connection with administrative cases before
18 the Board;

19 (l) Hear and decide administrative cases filed against metallurgical engineers
20 and firms employing metallurgical engineers. The hearing shall be
21 presided by the chairperson or a member of the Board with the assistance
22 of an attorney of the Commission. The decision of the Board may be
23 appealed to the Commission and to the court within fifteen (15) days from
24 notice, otherwise the decision shall become final and executory;

25 (m) Administer oaths in connection with the performance of its functions;

26 (n) Adopt an official seal and prescribe the seal of the metallurgical
27 engineering profession;

28 (o) Submit an annual report on the proceedings and accomplishments during
29 the year and/or recommendations of the Board to the Commission thirty
30 (30) days after the close of each calendar year;

31 (p) Prosecute or institute criminal action against any violator of this Act
32 and/or rules and regulations of the Board;

33 (q) Prescribe guidelines and criteria on the Continuing Professional Education
34 (CPE) program for metallurgical engineers in consultation with the

integrated and accredited professional organization of metallurgical engineers; and

- (r) Perform regulatory, administrative, and quasi-legislative functions as mandated under R.A. 8981, otherwise known as the PRC Modernization Act of 2000, and such other functions as may be necessary in order to implement the provisions of this Act.

Sec. 8. Qualifications of the Chairperson and Members of the Board -

The chairperson and members of the Board, at the time of their appointment, must be:

- (a) a citizen and a resident of the Philippines;
- (b) a holder of a bachelor's degree in metallurgical engineering as conferred by an engineering school of good standing, recognized and accredited by the government;
- (c) a registered metallurgical engineer with a valid certificate of registration and professional identification card and an active practitioner or not less than ten (10) continuous years prior to the appointment;
- (d) a person who does not have any direct or indirect pecuniary interest in any university, college, school or institution conferring an academic degree necessary for the admission to the practice of metallurgical engineering, or in any institution where review classes in preparation for the licensure examinations for metallurgical engineers are being officially offered or conducted; and not be a member of the faculty or of the administration thereof prior to appointment to the Board; and
- (e) a member of the accredited professional organization (APO) of metallurgical 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 from date of 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 take the proper oath prior to the 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

1 by the chairperson and members of other professional regulatory boards under the
2 Commission as provided for in the General Appropriations Act.

3 **Sec. 11. Custodian of Records, Secretariat and Support.** – All records of
4 the Board, including applications for examinations, examination papers and results,
5 minutes of meetings, deliberations of administrative and other investigative cases
6 involving the Board shall be kept by the Commission. The Commission shall
7 designate the secretary of the Board and shall provide secretariat and other support
8 services to implement the provisions of this Act.

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

14 (a) Gross neglect, incompetence or dishonesty in the discharge of their duties;

15 (b) Violation of any of the causes/grounds and the prohibited acts provided in this
16 Act and the offenses in the Revised Penal Code, the Anti-Graft and Corrupt
17 Practices Act and other laws; or

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

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

25 **Article III**

26 **LICENSURE EXAMINATION AND REGISTRATION**

27 **Sec. 14. Passing of Licensure Examination Requirement.** - Except as
28 otherwise specifically allowed under this Act, applicants for registration for the
29 practice of metallurgical engineering shall be required to pass a licensure examination
30 as provided for in this Act.

31 **Sec. 15. Holding of Examination.** - Examination of candidates applying for
32 registration as metallurgical engineer shall be given at least once a year in such places
33 and dates as the Commission may designate in accordance with the provisions of R.A.
34 No. 8981.

1 **Sec. 16. Scope of Examination.** – Unless modified by the Board and
2 approved by the Commission, the licensure examination shall cover, but shall not be
3 limited to, the following subjects:

- 4 (a) Mineral Processing, Extractive Metallurgy, Assaying and Chemistry;
- 5 (b) Physical and Applied Metallurgy;
- 6 (c) Fuel Technology and Refractory Science;
- 7 (d) Engineering Management, Law and Ethics;
- 8 (e) Applied Mathematics and Mechanics; and
- 9 (f) Any other pertinent subject as the Board may deem necessary to test the
10 applicant's ability and knowledge to ensure safety, economy, proficiency
11 and environmental compliance in the design, construction, installation,
12 maintenance, operation, organization and management of metallurgical
13 plants: *Provided*, That the relative weight of (a) and (b) subjects shall not
14 be less than thirty percent (30%) each.

15 The Board, subject to the approval of the Commission, may amend or revise
16 the subjects, their syllabi, passing average, and the system and procedure in the
17 licensure examinations for the practice of metallurgical engineering and the
18 corresponding weight pursuant to the implementing rules and regulations issued for
19 this purpose. The said subjects and their syllabi may be amended by the Board so as
20 to conform to technological changes brought about by continuing trends in the
21 profession.

22 **Sec. 17. Qualifications of Applicants for Metallurgical Engineer.** -
23 Applicants for the licensure examination for metallurgical engineers shall establish to
24 the satisfaction of the Board that they possess the following qualifications:

- 25 (a) A citizen of the Philippines or a foreign citizen whose country has reciprocity
26 agreement with the Philippines;
- 27 (b) Of good moral character;
- 28 (c) A holder of a degree of Bachelor of Science in Metallurgical Engineering,
29 Metallurgy or related engineering degree majoring in Metallurgical
30 Engineering or Metallurgy from a university, school, college, academy, or
31 institute duly constituted and recognized as such by the government; and
- 32 (d) Must not have been convicted by a court of law of a crime involving moral
33 turpitude.

1 **Sec. 18. Examination Fees** - Any applicant admitted to take the metallurgical
2 engineering examination shall pay such fees as may be prescribed by the Commission
3 before one shall be allowed to take the examination.

4 **Sec. 19. Rating in the Licensure Examination.** - To pass the licensure
5 examination for metallurgical engineering, a candidate must obtain a general
6 weighted average of no less than seventy per centum (70%) and a rating of no less
7 than fifty per centum (50%) in any examination subject.

8 **Sec. 20. Report of Ratings.** - The Board shall, within fifteen (15) days from
9 the last day of examinations, report the rating of examinees to the Commission.

10 **Sec. 21. Exemption from Examination.** - A person may be registered as
11 metallurgical engineer and given a license to practice as metallurgical engineer
12 without examination, who:

13 a.) had graduated with a degree of Bachelor of Science in Metallurgical
14 Engineering before the enactment of Presidential Decree No. 1536, the
15 "Metallurgical Engineering Law of the Philippines" in June 1978 and who,
16 on the date of approval of this Act, had an accumulated fifteen (15) years
17 experience in any of the Metallurgical practice as defined in Sec. 4 of this
18 Act: *Provided*, That the said experience is certified by the applicant's
19 employer/s and approved by the Board; or

20 b.) had graduated with a Doctorate degree in Metallurgy, Metallurgical
21 Engineering or in related fields: *Provided*, That the applicant is a graduate
22 of Bachelor of Science in Metallurgical Engineering, Metallurgy or related
23 engineering degree majoring in Metallurgical Engineering or Metallurgy.

24 An applicant for exemption from examination shall submit to the Board of
25 Metallurgical Engineering the following:

26 a) Diploma or transcript of records; both must be authenticated.

27 b) A metallurgical engineering report/doctoral thesis, which shall serve as a
28 basis whether the applicant, in the opinion of the Board, deserves
29 exemption from examination.

30 **Sec. 22. Qualifications of Applicants for Metallurgical Plant Foreman.** -
31 Applicants for a certificate of registration without examination as Metallurgical Plant
32 Foreman, shall, prior to admission for certification, establish to the satisfaction of the
33 Board that they possess the following qualifications:

34 a) A citizen of the Philippines;

1 b) Of good reputation and moral character;

2 c) At least a high school graduate with at least ten (10) years experience in
3 any metallurgical plant as defined in Sec. 4 of this Act and as certified by
4 applicant's present employer, or a graduate of any engineering degree with
5 at least five (5) years experience in any metallurgical plant as defined in
6 Sec. 4 of this Act and as certified by applicant's present employer.

7 The Board shall, subject to the approval of the Professional Regulation
8 Commission, adopt such rules and regulations as may be necessary to classify
9 metallurgical foremen to such metallurgical plants as concentrators, foundries,
10 smelters, refineries and any other specific classifications as may be found necessary.

11 **Sec. 23. Issuance of Certificate of Registration and Professional**
12 **Identification Card.** - A certificate of registration shall be issued to those who are
13 registered with or without licensure examination subject to payment of fees prescribed
14 by the Commission. It shall bear the signatures of the Chairperson of the Commission
15 and of the chairperson and members of the Board, stamped with the official seal of the
16 Commission and of the Board, certifying that the person named therein is entitled to
17 all rights and privileges of a Registered Metallurgical Engineer or Metallurgical Plant
18 Foreman with all the privileges appurtenant thereto. Until withdrawn, revoked, or
19 suspended in accordance with this Act, it shall remain in full force and effect.

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

23 **Sec. 24. Issuance of Certificate of Specialization.** - Upon the nomination of
24 the accredited professional organization of metallurgical engineers, the Board shall
25 issue a certificate of specialization to an applicant who is a registered metallurgical
26 engineer and who has specialized knowledge, training and experience in a specific
27 field of metallurgy and has documented expertise and competence on the same.

28 **Sec. 25. Seal of a Metallurgical Engineer.** - A metallurgical engineer, upon
29 registration and payment of fees and dues to the accredited professional organization,
30 shall obtain a seal of such design prescribed by the Board, bearing the registrant's
31 name, certificate number and the legend "Registered Metallurgical Engineer".
32 Designs, plans, specifications, project feasibility studies, appraisals, valuations,
33 recommendations, technical reports, proposals, and other professional documents
34 involving metallurgy, quarries, coallier works, projects or installations shall be

1 stamped on every sheet with the said seal of the registrant when filed with
2 government authorities or when submitted or used professionally: *Provided*, That it
3 shall be unlawful for any one to stamp or seal any document with the said seal after
4 the certificate and/or professional identification card shall have been revoked or
5 cancelled or expired.

6 **Sec. 26. Fees for Registration.** - Every person issued a certificate of
7 registration shall pay to the Commission such fees as the Commission may prescribe.

8 **Sec. 27. Issuance of Temporary/Special Permits.** - Temporary/Special
9 permits shall be issued to the following upon proper application with the Board:

10 (a) Foreign metallurgical engineers, recognized as experts in their specific
11 fields of metallurgical engineering, called in by the Republic of the
12 Philippines for consultation or for specific design, installation or project:

13 *Provided*, That their practice shall be confined to such work only;

14 (b) Foreign metallurgical engineers who have distinguished themselves in
15 their respective fields of specialization, contracted as professors or
16 lecturers on metallurgical engineering subjects by Philippine schools, or
17 colleges, institutes or universities on a direct hire or exchange basis,
18 subject to verification of credentials by the Board; or

19 (c) Foreign metallurgical engineers who are duly registered under the bilateral
20 or multilateral agreements where the Philippines is a signatory.

21 *Provided*, That all the above shall secure a temporary/special permit from the
22 Board prior to arrival in the country.

23 **Sec. 28. Refusal to Register.** - The Board shall not register any successful
24 applicant for registration with or without licensure examination who has been:

25 (a) convicted of an offense involving moral turpitude by a court of competent
26 jurisdiction;

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

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

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

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

33 **Sec. 29. Revocation or Suspension of the Certificate of Registration and**
34 **Professional Identification Card and Cancellation of Temporary/Special Permit.**

1 - The Board shall have the power, upon notice and hearing, to revoke or suspend the
2 certificate of registration and professional identification card of a registered
3 metallurgical engineer or to cancel a temporary/special permit granted to a foreign
4 metallurgical engineer for violation of any of the grounds or causes in Sec. 28 of this
5 Act, except paragraph (c) thereof, and for any of the following:

6 (a) Violation of a provision of this Act, its IRR, Code of Ethics, and Code of
7 Professional and Technical Standards for the practice of metallurgical
8 engineering;

9 (b) Perpetration or use of fraud in obtaining one's certificate of registration,
10 professional identification card, or temporary/special permit;

11 (c) Gross incompetence, negligence or ignorance resulting to death, injury or
12 damage;

13 (d) Any act of misrepresentation in connection with an alleged performance of
14 metallurgical engineering activities;

15 (e) Acts inimical to the metallurgical engineering profession;

16 (f) Gross immorality;

17 (g) Conviction by final judgment of any act involving moral turpitude;

18 (h) Aiding or abetting the illegal practice of a non-registered and non-licensed
19 metallurgical engineer by allowing the use of one's certificate of
20 registration and/or professional identification card, or temporary/special
21 permit;

22 (i) Illegal practice of the profession during the suspension from the practice
23 thereof; and

24 (j) Addiction to drugs or alcohol impairing the ability to practice the
25 profession, or a declaration by a court of competent jurisdiction that the
26 registrant is of unsound mind.

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

30 Any person, firm or association may file charges in accordance with the
31 provision of this Section against any registrant, or the Board may investigate violation
32 of any of the abovementioned causes. An affidavit-complaint shall be filed together
33 with the affidavits of witnesses and other documentary evidence with the Board
34 through the Legal and Investigation Office. The Board may *motu proprio* conduct an

1 investigation which shall be embodied in a formal charge to be signed by at least a
2 majority of the members of the Board. The rules on administrative investigation
3 issued by the Commission shall govern the hearing or investigation subject to
4 applicable provisions of this Act, R.A. No. 8981 and the Rules of Court.

5 **Sec. 30. Re-issuance of Revoked Certificate of Registration, Replacement**
6 **of Lost or Damaged Certificate of Registration, Professional Identification Card**
7 **or Temporary/Special Permit.** – The Board may, upon petition, reinstate or reissue a
8 revoked certificate of registration after two (2) years from the effectivity of the period
9 for revocation, which is the date of surrender of the said certificate and/or the
10 professional identification card if still valid to the Board and/or the Commission. The
11 Board may not require the holder thereof to take another licensure examination. The
12 petitioner shall prove to the Board that one has valid reasons to practice the
13 profession. For the grant of the petition, the Board shall issue a Board Resolution
14 subject to approval by the Commission.

15 Duplicate copy of lost certificate of registration, professional identification
16 card or temporary/special permit may be reissued in accordance with the rules thereon
17 and upon payment of the prescribed fee therefor.

18 **Article IV**

19 **PRACTICE OF METALLURGICAL ENGINEERING**

20 **Sec. 31. Who May Practice Metallurgical Engineering.** – Except as may be
21 provided in this Act, only persons properly licensed and registered may practice
22 metallurgical engineering. For purposes of this Act, no firm, partnership, corporation
23 or association may be licensed and registered as such for the practice of metallurgical
24 engineering, but duly licensed and registered metallurgical engineers may form
25 partnerships among themselves or with other licensed and registered engineers and
26 architects and use the title “Metallurgical Engineers,” “Engineers,” or “Engineers and
27 Architects” in their partnership name.

28 No firm, partnership, corporation or association shall operate a metallurgical
29 plant without a minimum complement of licensed metallurgical engineers pursuant to
30 the implementing rules and regulations issued for this purpose.

31 **Sec. 32. Vested Rights.** - All practicing metallurgical engineers who are
32 registered as metallurgical engineers at the time this Act takes effect shall
33 automatically be registered under this Act as registered metallurgical engineers.

1 **Sec. 33. Roster of Metallurgical Engineers.** - A roster showing the names,
2 registration numbers and dates of issue and expiry, current addresses, place of
3 business of all metallurgical engineers shall be prepared and kept by the Commission
4 which shall be made available to interested parties upon formal written request.

5 **Sec. 34. Foreign Reciprocity.** - No foreign metallurgical engineer shall be
6 issued a certificate of registration to practice the metallurgical engineering profession
7 or be entitled to any of the rights and privileges under this Act unless the country of
8 which one is a subject or citizen specifically permits Filipino metallurgical engineers
9 to practice within its territorial limits on the same basis as the subjects or citizens of
10 such foreign state or country.

11 **Sec. 35. Indication of Certificate of Registration, Professional Tax**
12 **Receipt and APO Membership.** - The metallurgical engineer shall be required to
13 indicate the certificate of registration number and the duration of validity, including
14 the professional tax receipt number and APO membership fee receipt number on the
15 documents one signs, uses or issues in connection with the practice of the profession.

16 **Sec. 36. Posting of Certificates.** - Registered metallurgical engineers shall
17 post or cause to be posted in a conspicuous place within the office or place of business
18 the certificate of registration as metallurgical engineer, and one shall present the same
19 upon demand of members of the Board or law enforcement officers of the national ,
20 provincial, city, or municipal governments.

21 **Sec. 37. Continuing Professional Education (CPE) and/or development**
22 **programs.** - All registered Metallurgical Engineers and Metallurgical Plant Foremen
23 shall comply with pertinent rules and regulations already prescribed by and/or as may
24 be prescribed and promulgated by the Commission and/or the Board, the accredited
25 professional organization and other government agencies, pursuant to this Act and
26 other relevant laws, international treaties, agreements and/or covenants to which the
27 Philippines is a signatory and has ratified, with respect to continuing professional
28 education and/or development and/or other similar/related programs.

29 **Sec. 38. Integration of the Metallurgical Engineering Profession.** - The
30 metallurgical engineering profession shall be integrated into one (1) national
31 professional organization of metallurgical engineers that is duly registered with the
32 Securities and Exchange Commission (SEC). The Board, subject to approval by the
33 Commission, shall accredit the said organization as the one and only integrated and
34 accredited professional organization (APO) of metallurgical engineers. All

1 metallurgical engineers whose names appear in the Registry Book of Metallurgical
2 Engineers shall *ipso facto* or automatically become members thereof and shall receive
3 all the benefits and privileges appurtenant thereto upon payment of APO membership
4 fees and dues.

5 Membership in the integrated accredited professional organization shall not be
6 a bar to membership in other metallurgical engineering organizations.

7 ARTICLE V

8 PENAL AND GENERAL PROVISIONS

9 **Sec. 39. Penal Clause.** – The following shall, upon conviction, be punished by
10 a fine of not less than Ten Thousand Pesos (P10,000.00) but not more than One
11 Million Pesos (P1,000,000.00) or imprisonment of not less than one (1) month but not
12 more than five (5) years or both at the discretion of the court:

13 (a) Any person who shall practice metallurgical engineering in the
14 Philippines, as defined in this Act, without a valid certificate of
15 registration and a valid professional identification card or
16 temporary/special permit in accordance with the provisions of this Act,
17 unless declared exempt from registration;

18 (b) Any person presenting or using as one's own the certificate of registration
19 and/or professional identification card or temporary/special permit of
20 another;

21 (c) Any person who shall give any false or forged evidence;

22 (d) Any person who shall impersonate any registrant of like or different name;

23 (e) Any person who shall use a revoked or suspended certificate of
24 registration, and/or a valid professional identification card, or a valid
25 temporary/special permit or an expired/noncurrent professional
26 identification card, or an expired cancelled temporary/special permit; or

27 (f) Any person who shall assume, use or advertise any title or description
28 tending to convey the impression that one is a metallurgical engineer
29 without having completed the academic requirements and conferred the
30 appropriate baccalaureate degree for such, or is engaged in the
31 metallurgical engineering practice without holding a valid certificate of
32 registration and a professional identification card, or a valid
33 temporary/special permit from the Board.

1 **Sec. 40. Legal Effect on Other Professions.** -This Act shall not affect or
2 prevent the practice of any other legally recognized profession.

3 **Sec. 41. Enforcement of the Act by the Officers of the Law.** - The Board
4 shall be assisted by the Commission in carrying out the provisions of this Act and its
5 implementing rules and regulations and other policies. The lawyers of the
6 Commission shall act as the prosecutors against illegal practitioners and other
7 violations of this Act and its rules. The duly constituted authorities of government
8 shall likewise assist the Board and the Commission in enforcing the provisions of this
9 Act and its rules.

10 **Sec. 42. Implementing Rules and Regulations.** - Subject to the approval of
11 the Commission, the Board, in consultation with the APO, shall adopt and promulgate
12 the Implementing Rules and Regulations (IRRs), the Code of Ethics, and the Code of
13 Professional and Technical Standards of Metallurgical Engineers to carry out the
14 provisions of this Act.

15 ✓**Sec. 43. Funding Provision.** - The Chairperson of the Professional
16 Regulation Commission shall immediately include in the Commission's programs the
17 implementation of this Act, the funding of which shall be included in the Annual
18 General Appropriations Act.

19 **Sec. 44. Transitory Provisions.** -

20 (a) After the approval of this Act, metallurgical engineers possessing valid
21 certificates of registration issued under R.A. 1536, otherwise known as the
22 Metallurgical Engineering Law of 1978, shall register with the Board and be issued
23 certificates as registered metallurgical engineers under this Act to replace their
24 original certificates of registration, upon payment of the required fees.

25 (b) The present chairperson and members of the Board shall automatically be
26 issued certificates of registration as registered metallurgical engineers. They shall
27 continue to function in the Board until such time as a new Board shall be constituted
28 under this Act.

29 **Sec. 45. Separability Clause.** - If any Sec. or portion of this Act shall be
30 declared unconstitutional or invalid, such shall not invalidate any other Sec. of this
31 Act.

32 **Sec. 46. Repealing Clause.** - Republic Act No. 1536 is hereby repealed. All
33 other laws, parts of law, orders, ordinances, or regulations relative to the practice of

1 metallurgical engineering which are inconsistent with the provisions of this Act are
2 hereby repealed or modified accordingly.

3 **Sec. 47. Effectivity.** - This Act shall take effect fifteen (15) days after its
4 publication in the *Official Gazette* or in a newspaper of general circulation.

5 Approved,