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SENATE

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S. No. 2103

Prepared by the Committees on Civil Service and Government Reorganization and
Finance with Senators Legarda, Trillanes IV and Escudero as authors

AN ACT
REGULATING THE PRACTICE OF METALLURGICAL ENGINEERING IN THE
PHILIPPINES, REPEALING FOR THIS PURPOSE PRESIDENTIAL DECREE
NUMBERED 1536, OTHERWISE KNOWN AS THE METALLURGICAL
ENGINEERING LAW OF THE PHILIPPINES, AND FOR OTHER PURPOSES

*Be it enacted by the Senate and the 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 "Metallurgical Engineering Act of
2014."

SEC. 2. *Statement of Policy.* – The State recognizes the importance of metallurgical
engineers in nation-building and development. Thus, the State shall develop and nurture
competent, virtuous, productive and well-rounded metallurgical engineers whose standard of
professional practice and service 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 metallurgical engineers;
- b. The supervision, control and regulation of the practice of metallurgical engineering;
- c. The development and upgrading of the curriculum of the metallurgical 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:

- 1 a. *Practice of Metallurgical Engineering* refers to the offering or rendering of services of
2 any of the specialized branches of metallurgy for a fee, salary or other reward or
3 compensation, paid directly or through another person or persons, or even without such
4 reward or compensation. The term shall be synonymous with the term "rendering
5 metallurgical engineering services."
- 6 b. *Metallurgical Engineering* refers to the profession which embraces the scientific,
7 engineering, environmental and economic aspects of:
- 8 1. Mineral Processing and Extractive Metallurgy. – Preparation, separation, extraction
9 and purification of ores, metals and mineral products by physical and chemical
10 method such as ore dressing, pyrometallurgical processes such as roasting and
11 smelting, hydrometallurgical processes such as leaching, electrometallurgical
12 processes such as electric smelting and electrolysis and other similar processes;
 - 13 2. Adaptive and Physical Metallurgy. – Processes which pertain to the adaptation and
14 application of metals such as melting, casting, forging, rolling, extrusion, welding and
15 other metal working and finishing operations. These include unit operations relating
16 to the control of microstructure of metals and their alloys such as heat treatment and
17 surface hardening, quality control in allowing operations to meet specification of
18 metal alloys and metallographic studies. These also apply to powder, mechanical,
19 nuclear and vacuum metallurgy; and
 - 20 3. Fuel Technology. – Fuel preparation processes such as washing, flotation and heavy
21 media separation including carbonization, gasification and cooking operations.
- 22 c. *Metallurgical Plant* refers to any facility involved in processes which include, but not
23 limited to, the following:
- 24 1. Preparation, separation, concentration of minerals, coal and metallurgical fuels;
 - 25 2. Extraction of metals such as hydrometallurgical, pyrometallurgical and
26 electrometallurgical processes; and
 - 27 3. Adaptation and application of metals such as melting, casting, forging, rolling,
28 extrusion, powder metallurgy, heat treatment, welding and other metal working and
29 finishing operations.
- 30 d. *Metallurgical Engineer* refers to a person who holds a valid certificate of registration and
31 professional identification card issued by the Board of Metallurgical Engineering and the
32 Professional Regulation Commission.

33
34 **SEC. 5. Scope of Practice.** – Metallurgical engineering service shall embrace the following
35 similar services in relation to metallurgical plants:

- 36 a. Consultation, valuation and management services requiring metallurgical engineering
37 skills and know-how;

- 1 b. Engineering design, preparation of plans, specifications and project studies or estimates
- 2 for metallurgical equipment and processes;
- 3 c. Management or supervision of the testing and commissioning of metallurgical plants;
- 4 d. Management, supervision, operation and auditing of metallurgical plants;
- 5 e. Teaching of metallurgical engineering subjects in government-recognized universities,
- 6 colleges and schools;
- 7 f. Employment in government as a metallurgical engineer if the nature and character of the
- 8 work requires professional knowledge of metallurgical engineering;
- 9 g. Metallurgical investigation and testing of mineral and metal products;
- 10 h. Training of metallurgical plant operating personnel;
- 11 i. Research and development;
- 12 j. Participation in the preparation of environmental studies for metallurgical projects and
- 13 monitoring under the Environmental Impact Assessment (EIA) system;
- 14 k. Teaching of metallurgical engineering subjects in any academic program leading to a
- 15 professional degree, including refresher and review courses; and
- 16 l. Other metallurgical work or service which, in the assessment and opinion of the Board,
- 17 constitutes the practice of metallurgical engineering.

18 ARTICLE II

19 CREATION OF THE PROFESSIONAL REGULATORY BOARD OF 20 METALLURGICAL ENGINEERING 21

22

23 **SEC. 6. *Creation and Composition of the Professional Regulatory Board of***
24 ***Metallurgical Engineering.*** – There is hereby created a Professional Regulatory Board of
25 Metallurgical Engineering, hereinafter called the Board, under the administrative control and
26 supervision of the Professional Regulation Commission, hereinafter called the Commission, to
27 be composed of a chairperson and two (2) members to be appointed by the President of the
28 Philippines from a list of three (3) recommendees for each position, chosen and ranked in the
29 order of preference and submitted by the Commission from a list of five (5) nominees submitted
30 by the duly accredited professional organization of metallurgical engineers in the Philippines.
31 The Board shall be organized not later than six (6) months from the effectivity of this Act.

32

33 **SEC. 7. *Powers and Duties of the Board.*** – The Board shall have the following powers
34 and duties:
35 a. Supervise and regulate the practice of metallurgical engineering profession;
36 b. Determine and evaluate the qualifications of the applicants for registration;

- 1 c. Prescribe the subjects in the licensure examinations, determine the syllabi of the
2 subjects and their relative weights, construct the test questions in the examinations,
3 score and rate the examination papers, and submit the examination results to the
4 Commission;
- 5 d. Issue, together with the Commission, certificates of registration and professional
6 identification cards to applicants who have passed the licensure examinations for
7 registered metallurgical engineers;
- 8 e. Issue special/temporary permits to foreign metallurgical engineers to practice the
9 profession;
- 10 f. Inquire into conditions affecting the practice of the profession and adopt measures for
11 the enhancement and maintenance of high professional, ethical and technical
12 standards. Pursuant thereto, the Board may inspect establishments where
13 metallurgical engineers practice their profession such as factories, plants, offices and
14 the like in order to determine and enforce compliance with the provisions of this Act
15 and issue certificates of compliance for the purpose;
- 16 g. Inspect the facilities, faculty, equipment and other aspects directly related to the
17 metallurgical engineering program of educational institutions in coordination with the
18 Commission on Higher Education (CHED);
- 19 h. Adopt the implementing rules and regulations (IRR) necessary for carrying out the
20 provisions of this Act;
- 21 i. Adopt a Code of Ethics and a Code of Professional and Technical Standards for the
22 practice of the metallurgical engineering profession;
- 23 j. Investigate, in accordance with the rules on administrative investigation promulgated
24 by the Commission, violations of this Act and its IRR, the Code of Ethics and the
25 Code of Professional and Technical Standards for Metallurgical Engineers,
26 administrative policies, orders and issuances promulgated by the Board;
- 27 k. Issue *subpoena duces tecum* to secure the attendance of witnesses or the production
28 of documents in connection with administrative cases before the Board;
- 29 l. Hear and decide administrative cases filed against metallurgical engineers and firms
30 employing metallurgical engineers. The hearing shall be presided by the chairperson
31 or a member of the Board with the assistance of an attorney of the Commission. The
32 decision of the Board may be appealed to the Commission and to the court within
33 fifteen (15) days from notice, otherwise the decision shall become final and
34 executory;
- 35 m. Administer oaths in connection with the performance of its functions;
- 36 n. Adopt an official seal and prescribe the seal of the metallurgical engineering
37 profession;

- 1 o. Submit an annual report on the proceedings and accomplishments during the year
2 and/or recommendations of the Board to the Commission thirty (30) days after the
3 close of each calendar year;
- 4 p. Prosecute or institute criminal action against any violator of this Act and/or rules and
5 regulations of the Board;
- 6 q. Prescribe guidelines and criteria on the Continuing Professional Education (CPE)
7 program for metallurgical engineers in consultation with the integrated and accredited
8 professional organization of metallurgical engineers; and
- 9 r. Perform regulatory, administrative and quasi-legislative functions as mandated under
10 Republic Act No. 8981, otherwise known as the "PRC Modernization Act of 2000,"
11 and such other functions as may be necessary in order to implement the provisions of
12 this Act.

13
14 **SEC. 8. *Qualifications of the Chairperson and Members of the Board.*** – The
15 chairperson and members of the Board, at the time of their appointment, must be:

- 16 a. A citizen and a resident of the Philippines;
- 17 b. A holder of a bachelor's degree in metallurgical engineering as conferred by an
18 engineering school of good standing, recognized and accredited by the government;
- 19 c. A registered metallurgical engineer with a valid certificate of registration and
20 professional identification card and an active practitioner for not less than ten (10)
21 continuous years prior to the appointment;
- 22 d. A person who does not have any direct or indirect pecuniary interest in any
23 university, college, school or institution conferring an academic degree necessary for
24 the admission to the practice of metallurgical engineering, or in any institution where
25 review classes in preparation for the licensure examinations for metallurgical
26 engineers are being officially offered or conducted; and not be a member of the
27 faculty or of the administration thereof prior to appointment to the Board; and
- 28 e. A member of the accredited professional organization (APO) of metallurgical
29 engineers but not a trustee or officer thereof.

30
31 **SEC. 9. *Term of Office.*** – The chairperson and the members of the Board shall hold
32 office for a term of three (3) years from the date of appointment or until their successors shall
33 have been appointed and duly qualified. They may be reappointed for another term of three (3)
34 years immediately after the expiration of their term but in no case shall the whole term exceed
35 six (6) years. Interim vacancies shall be filled for the unexpired portion of the term only.

36 The chairperson and members of the Board shall take the proper oath prior to the
37 assumption of office.

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

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

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

21
22 **SEC. 17. *Qualifications of Applicants for Metallurgical Engineer.*** – Applicants for the
23 licensure examination for metallurgical engineers shall establish to the satisfaction of the Board
24 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, Metallurgy
29 or related engineering degree majoring in Metallurgical Engineering or Metallurgy
30 from a university, school, college, academy or institute duly constituted and
31 recognized as such by the government; and
- 32 d. Must not have been convicted by a court of law of a crime involving moral turpitude.

33
34 **SEC. 18. *Examination Fees.*** – Any applicant admitted to take the metallurgical
35 engineering examination shall pay such fees as may be prescribed by the Commission before one
36 shall be allowed to take the examination.

37

1 **SEC. 19. Rating in the Licensure Examination.** – To pass the licensure examination for
2 metallurgical engineering, a candidate must obtain a general weighted average of not less than
3 seventy percent (70%) and a rating of not less than fifty percent (50%) in any examination
4 subject.

5
6 **SEC. 20. Report of Ratings.** – The Board shall, within fifteen (15) days from the last day
7 of examinations, report the rating of examinees to the Commission.

8
9 **SEC. 21. Exemption from Examination.** – A person may be registered as metallurgical
10 engineer and given a license to practice as metallurgical engineer without examination, who:

- 11 a. Had graduated with a degree of Bachelor of Science in Metallurgical Engineering
12 before the enactment of Presidential Decree No. 1536, the "Metallurgical Engineering
13 Law of the Philippines" in June 1978 and who, on the date of approval of this Act,
14 had an accumulated fifteen (15) year-experience in any of the metallurgical practice
15 as defined in Section 4 of this Act: *Provided*, That the said experience is certified by
16 the applicant's employer's and approved by the Board; or
17 b. Had graduated with a doctorate degree in Metallurgy, Metallurgical Engineering or in
18 related fields: *Provided*, That the applicant is a graduate of Bachelor of Science in
19 Metallurgical Engineering, Metallurgy or related engineering degree majoring in
20 Metallurgical Engineering or Metallurgy.

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

- 23 1. Diploma or transcript of records; both must be authenticated; and
24 2. A metallurgical engineering report/doctoral thesis, which shall serve as a basis
25 whether the applicant, in the opinion of the Board, deserves exemption from
26 examination.

27
28 **SEC. 22. Qualifications of Applicants for Metallurgical Plant Foreman.** – Applicants
29 for a certificate of registration without examination as metallurgical plant foreman, shall, prior to
30 admission for certification, establish to the satisfaction of the Board that they possess the
31 following qualifications:

- 32 a. A citizen of the Philippines;
33 b. Of good reputation and moral character; and
34 c. At least a high school graduate with at least ten (10) years-experience in any
35 metallurgical plant as defined in Section 4 of this Act and as certified by
36 applicant's present employer, or a graduate of any engineering degree with at least

1 five (5) years-experience in any metallurgical plant as defined in Section 4 of this
2 Act and as certified by applicant's present employer/s.

3 The Board shall, subject to the approval of the Commission, adopt such rules and
4 regulations as may be necessary to classify metallurgical foremen to such metallurgical
5 plants as concentrators, foundries, smelters, refineries and any other specific
6 classification as may be found necessary.

7
8 **SEC. 23. Issuance of Certificate of Registration and Professional Identification Card.**

9 – A certificate of registration shall be issued to those who are registered with or without licensure
10 examination subject to payment of fees prescribed by the Commission. It shall bear the
11 signatures of the chairperson of the Commission and of the chairperson and members of the
12 Board, stamped with the official seal of the Commission and of the Board, certifying that the
13 person named therein is entitled to all rights and privileges of a registered metallurgical engineer
14 or metallurgical plant foreman with all the privileges appurtenant thereto. Until withdrawn,
15 revoked or suspended in accordance with this Act, it shall remain in full force and effect.

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

19
20 **SEC. 24. Issuance of Certificate of Specialization.** – Upon the nomination of the APO
21 of metallurgical engineers, the Board shall issue a certificate of specialization to an applicant
22 who is a registered metallurgical engineer and who has specialized knowledge, training and
23 experience in a specific field of metallurgy and has documented expertise and competence on the
24 same.

25
26 **SEC. 25. Seal of a Metallurgical Engineer.** – A metallurgical engineer, upon
27 registration and payment of fees and dues to the APO, shall obtain a seal of such design
28 prescribed by the Board, bearing the registrant's name, certificate number and the legend
29 "Registered Metallurgical Engineer." Designs, plans, specifications, project feasibility studies,
30 appraisals, valuations, recommendations, technical reports, proposals, and other professional
31 documents involving metallurgy, quarries, coallier works, projects or installations shall be
32 stamped on every sheet with the said seal of the registrant when filed with government
33 authorities or when submitted or used professionally: *Provided*, That it shall be unlawful for
34 anyone to stamp or seal any document with the said seal after the certificate and/or professional
35 identification card shall have been revoked, cancelled or expired.

36

1 **SEC. 26. Fees for Registration.** – Every person issued a certificate of registration shall
2 pay to the Commission such fees as the Commission may prescribe.

3
4 **SEC. 27. Issuance of Temporary/Special Permits.** – Temporary/Special permits shall be
5 issued to the following upon proper application with the Board:

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

19
20 **SEC. 28. Refusal to Register.** – The Board shall not register any successful applicant for
21 registration with or without licensure examination who has been:

- 22 a. Convicted of an offense involving moral turpitude by a court of competent
23 jurisdiction;
- 24 b. Found guilty of immoral or dishonorable conduct by the Board;
- 25 c. Summarily adjudged guilty for violation of the General Instruction to Examinees by
26 the Board; and
- 27 d. Declared of unsound mind by a court of competent jurisdiction.

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

30
31 **SEC. 29. Revocation or Suspension of the Certificate of Registration and Professional**
32 **Identification Card and Cancellation of Temporary/Special Permit.** – The Board shall have the
33 power, upon notice and hearing, to revoke or suspend the certificate of registration and
34 professional identification card of a registered metallurgical engineer or to cancel a
35 temporary/special permit granted to a foreign metallurgical engineer for violation of any of the
36 grounds or causes provided in Section 28 of this Act, except paragraph (c) thereof, and for any of
37 the following:

- 1 a. Violation of a provision of this Act, its IRR, Code of Ethics and Code of Professional
2 and Technical Standards for the practice of metallurgical engineering;
- 3 b. Perpetration or use of fraud in obtaining one's certificate of registration, professional
4 identification card or temporary/special permit;
- 5 c. Gross incompetence, negligence or ignorance resulting to death, injury or damage;
- 6 d. Any act of misrepresentation in connection with an alleged performance of
7 metallurgical engineering activities;
- 8 e. Acts inimical to the metallurgical engineering profession;
- 9 f. Gross immorality;
- 10 g. Conviction by final judgment of any act involving moral turpitude;
- 11 h. Aiding or abetting the illegal practice of a nonregistered and non-licensed
12 metallurgical engineer by allowing the use of one's certificate of registration,
13 professional identification card or temporary/special permit;
- 14 i. Illegal practice of the profession during the suspension from the practice thereof; and
- 15 j. Addiction to drugs or alcohol impairing the ability to practice the profession, or a
16 declaration by a court of competent jurisdiction that the registrant is of unsound mind.

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

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

27
28 **SEC. 30. Reissuance of Revoked Certificate of Registration, Replacement of Lost or**
29 **Damaged Certificate of Registration, Professional Identification Card or Temporary/Special**
30 **Permit.** – The Board may, upon petition, reinstate or reissue a revoked certificate of registration
31 after two (2) years from the effectivity of the period for revocation, which is the date of surrender
32 of the said certificate and/or the professional identification card if still valid to the Board and/or
33 the Commission, The Board may not require the holder thereof to take another licensure
34 examination. The petitioner shall prove to the Board that one has valid reasons to practice the
35 profession. For the grant of the petition, the Board shall issue a Board Resolution subject to
36 approval by the Commission.

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

4
5 ARTICLE IV

6 PRACTICE OF METALLURGICAL ENGINEERING

7
8 **SEC. 31. *Who May Practice Metallurgical Engineering.*** – Except as may be provided in
9 this Act, only persons properly licensed and registered may practice metallurgical engineering.
10 For purposes of this Act, no firm, partnership, corporation or association may be licensed and
11 registered as such for the practice of metallurgical engineering, but duly licensed and registered
12 metallurgical engineers may form partnerships among themselves or with other licensed and
13 registered engineers and architects and use the title "Metallurgical Engineers", "Engineers", or
14 "Engineers and Architects" in their partnership name.

15 No firm, partnership, corporation or association shall operate a metallurgical plant
16 without a minimum complement of licensed metallurgical engineers pursuant to the IRR issued
17 for this purpose.

18
19 **SEC. 32. *Vested Rights.*** – All practicing metallurgical engineers who are registered as
20 metallurgical engineers at the time this Act takes effect shall automatically be registered under
21 this Act as registered metallurgical engineers.

22
23 **SEC. 33. *Roster of Metallurgical Engineers.*** – A roster showing the names, registration
24 numbers and dates of issue and expiry, current addresses, and place of business of all
25 metallurgical engineers shall be prepared and kept by the Commission which shall be made
26 available to interested parties upon formal written request.

27
28 **SEC. 34. *Foreign Reciprocity.*** – No foreign metallurgical engineer shall be given a
29 certificate of registration/professional license and professional identification card or be entitled
30 to any of the privileges under this act unless the country or state of which he is a subject or a
31 citizen permits Filipino metallurgical engineer to practice within its territorial limits on the same
32 basis as the subjects or citizens of said country or state.

33
34 **SEC. 35. *Indication of Certificate of Registration, Professional Tax Receipt and APO***
35 ***Membership.*** – the metallurgical engineer shall be required to indicate the certificate of
36 registration number and the duration of validity, including the professional tax receipt number

1 and APO membership fee receipt number on the documents one signs, uses or issues in
2 connection with the practice of the profession.

3
4 **SEC. 36. *Posting of Certificates.*** – Registered metallurgical engineers shall post or
5 cause to be posted in a conspicuous place within the office or place of business the certificate of
6 registration as metallurgical engineer, and one shall present the same upon demand of members
7 of the Board or law enforcement officers of the national, provincial, city or municipal
8 governments.

9
10 **SEC. 37. *Continuing Professional Education (CPE) and/or Development Programs.*** –
11 All registered metallurgical engineers and metallurgical plant foremen shall comply with
12 pertinent rules and regulations already prescribed by and/or as may be prescribed and
13 promulgated by the Commission and/or the Board, the APO and other government agencies,
14 pursuant to this Act and other relevant laws, international treaties, agreements and/or covenants
15 to which the Philippines is a signatory and has ratified, with respect to CPE and/or development
16 and/or other similar/related programs.

17
18 **SEC. 38. *Integration of the Metallurgical Engineering Professional.*** – The
19 metallurgical engineering profession shall be integrated into one (1) national professional
20 organization of metallurgical engineers that is duly registered with the Securities and Exchange
21 Commission (SEC). The Board subject to approval by the Commission, shall accredit the said
22 organization as the one and only integrated and APO of metallurgical engineers. All
23 metallurgical engineers whose names appear in the registry book of metallurgical engineers shall
24 ipso facto or automatically become members thereof and shall receive all the benefits and
25 privileges appurtenant thereto upon payment of APO membership fees and dues.

26 Membership in the integrated APO shall not be a bar to membership in other
27 metallurgical engineering organizations.

28
29 **ARTICLE V**

30 **PENAL AND GENERAL PROVISIONS**

31
32 **SEC. 39. *Penal Clause.*** – The following shall, upon conviction, be punished by a fine of
33 not less than Ten thousand pesos (P10,000.00) but not more than One million pesos
34 (P1,000,000.00) or imprisonment of not less than one (1) month but not more than five (5) years,
35 or both, at the discretion of the court:

- 36 a. Any person who shall practice metallurgical engineering in the Philippines, as defined
37 in this Act, without a valid certificate of registration, a valid professional

1 identification card or a valid temporary/special permit in accordance with the
2 provisions of this Act, unless declared exempt from registration;

3 b. Any person presenting or using as one's own the certificate of registration,
4 professional identification card or temporary/special permit of another;

5 c. Any person who shall give any false or forged evidence;

6 d. Any person who shall impersonate any registrant of like or different name;

7 e. Any person who shall use a revoked or suspended certificate of registration, a valid
8 professional identification card or a valid temporary/special permit or an
9 expired/noncurrent professional identification card, or an expired/cancelled
10 temporary/special permit; or

11 f. Any person who shall assume, use or advertise any title or description lending to
12 convey the impression that one is a metallurgical engineer without having completed
13 the academic requirements and conferred the appropriate baccalaureate degree for
14 such, or is engaged in the metallurgical engineering practice without holding a valid
15 certificate of registration, a valid professional identification card or a valid
16 temporary/special permit from the Board.

17
18 **SEC. 40. *Legal Effect on Other Professions.*** – This Act shall not affect or prevent the
19 practice of any other legally recognized profession.

20
21 **SEC. 41. *Enforcement of this Act by the Officers of the Law.*** – The Board shall be
22 assisted by the Commission in carrying out the provisions of this Act and its IRR and other
23 policies. The lawyers of the Commission shall act as the prosecutors against illegal practitioners
24 and other violations of this Act and its IRR. The duly constituted authorities of government shall
25 likewise assist the Board and the Commission in enforcing the provisions of this Act and its IRR.

26
27 **SEC. 42. *Implementing Rules and Regulations (IRR).*** – Subject to the approval of the
28 Commission, the Board, in consultation with the APO, shall adopt and promulgate the IRR, the
29 Code of Ethics, and the Code of Professional and Technical Standards for Metallurgical
30 Engineers to carry out the provisions of this Act.

31
32 **SEC. 43. *Funding Provision.*** – The amount necessary to implement the provisions of
33 this Act shall be included in the Annual General Appropriations Act.

34
35 **SEC. 44. *Transitory Provisions.*** – (a) After the approval of this Act, metallurgical
36 engineers possessing valid certificates of registration issued under Presidential Decree No. 1536,
37 otherwise known as the "Metallurgical Engineering Law of the Philippines," shall register with

1 the Board and be issued certificates as registered metallurgical engineers under this Act to
2 replace their original certificates of registration, upon payment of the required fees.

3
4 (b) The present chairperson and members of the Board shall automatically be issued
5 certificates of registration as registered metallurgical engineers. They shall continue to function
6 in the Board until such time as a new Board shall be constituted under this Act.

7
8 **SEC. 45. *Separability Clause.*** – If any section or portion of this Act shall be declared
9 unconstitutional or invalid, such shall not invalidate any other section of this Act.

10
11 **SEC. 46. *Repealing Clause.*** – Presidential Decree No. 1536 is hereby repealed. All other
12 laws, parts of law, orders, ordinances or regulations relative to the practice of metallurgical
13 engineering which are inconsistent with the provisions of this Act are hereby repealed or
14 modified accordingly.

15
16 **SEC. 47. *Effectivity.*** – This Act shall take effect fifteen (15) days after its publication in
17 the *Official Gazette* or in two newspapers of general circulation in the country.

Approved,