

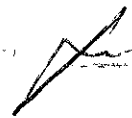
FIFTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

OFFICE OF THE CLERK

10 JUL 13 P 3 59

SENATE  
S.B. No. 1402

OFFICE OF THE CLERK



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Introduced by Senator Loren Legarda

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#### EXPLANATORY NOTE

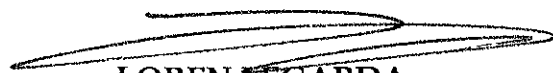
This bill proposes to upgrade the credence of the practice of metallurgical engineering, defining its functions clearly, prescribing standards and requirements, and creating a professional regulatory board to ensure excellent, globally competitive, and responsible practice of the same.

Due to technological advancement, the first law on metallurgical engineering, which is Presidential Decree 1536, was rendered outdated and ineffective in promoting and regulating the practice of the profession. Underscoring the need to develop competent, virtuous, productive and well-rounded metallurgical engineers, the bill proposes the following:

1. Creation of the Professional Regulatory Board of Metallurgical Engineering;
2. Definition of the scope and nature of the professional practice of metallurgical engineers;
3. Setting up of criteria or qualifications for the licensure of practitioners; and
4. Imposition of more stringent penalties to reduce engagement in illegal activities that may lead to environmental disasters.


Recognizing the potentials of the mineral processing industry, this bill will in effect plant a stable foundation for the practice of metallurgical engineering. Through this measure, the profession will be more effectively regulated, thereby ensuring its credibility.

In view of the foregoing, the passage of this bill is earnestly sought.



**LOREN LEGARDA**  
Senator

SENATE  
S.B. No. 1402

RECEIVED  


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Introduced by Senator Loren Legarda

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AN ACT  
REGULATING THE PRACTICE OF METALLURGICAL ENGINEERING IN  
THE PHILIPPINES REPEALING FOR THIS PURPOSE PRESIDENTIAL  
DECREE 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

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**Section 1. Title.** - This Act shall be known as the "Metallurgical  
Engineering Act of 2010."

**Sec. 2. Statement of Policy.** - The State recognizes the importance of  
metallurgical engineers in nation building and development. Their talents  
through sustainable human development shall be promoted. Thus, the State  
shall develop and nurture competent, virtuous, productive and well-rounded  
metallurgical engineers whose standards 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;

- 1 (c) The development and upgrading of the curriculum of metallurgical  
2 engineering profession;
- 3 (d) The development of the professional competence of metallurgical  
4 engineers through continuing professional education; and
- 5 (e) The integration of the metallurgical engineering profession.
- 6

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

9

10 a) "Practice of metallurgical engineering" means the offering or rendering of  
11 services of any of the specialized branches of metallurgy for a fee, salary  
12 or other reward or compensation, paid to him/her or through another  
13 person, or even without such reward or compensation. The term shall be  
14 synonymous with the term "rendering metallurgical engineering  
15 services."

16

17 b) "Metallurgical Engineering" means a profession which embraces the  
18 scientific, engineering, environmental and economic aspects of:

19

20 i) Mineral Processing and Extractive Metallurgy - The preparation,  
21 separation, extraction and purification of ores, metals and mineral  
22 products by physical and chemical method such as ore dressing,  
23 pyrometallurgical processes such as roasting, and smelting,  
24 hydrometallurgical processes such as leaching, electrometallurgical  
25 processes such as electric smelting and electrolysis and other similar  
26 processes.

27 ii) Adaptive and Physical Metallurgy - Processes which pertain to the  
28 adaptation and application of metals such as melting, casting, forging,  
29 rolling, extrusion, welding and other metal working and finishing  
30 operations. These include unit operations relating to the control of  
31 microstructure of metals and its alloys such as the heat treatment and  
32 surface hardening, quality control in allowing operations to meet  
33 specification of metal alloys; and metallographic studies. These also  
34 apply to powder, mechanical, nuclear and vacuum metallurgy.

1           iii) Fuel Technology - Fuel preparation processes such as washing,  
2           flotation, and heavy media separation including carbonization,  
3           gasification and cooking operations.

4           c) "Metallurgical Plant" means any facility involved in processes which  
5           include but not limited to the :

6           i) Preparation, separation, concentration of minerals, coal and  
7           metallurgical fuels;

8           ii) Extraction of metals such as hydrometallurgical, pyrometallurgical and  
9           electrometallurgical processes;

10          iii) Adaptation and application of metals such as melting, casting, forging,  
11          rolling, extrusion, powder metallurgy, heat treatment, welding and  
12          other metal working and finishing operations.

13

14          d) "Metallurgical Engineer" refers to a person who is a holder of a valid  
15          Certificate of Registration and Professional Identification Card issued by  
16          the Board of Metallurgical Engineering and the Professional Regulation  
17          Commission

18

19          **SEC 5. Scope of Practice-** Metallurgical Engineering service shall embrace  
20          the following similar services in relation to metallurgical plants:

21

22          a) Consultation, valuation and management services requiring metallurgical  
23          engineering skills and know-how;

24          b) Engineering design, preparation of plans, specifications and project  
25          studies or estimates for metallurgical equipment and processes;

26          c) Management or supervision of the testing and commissioning of  
27          metallurgical plants;

28          d) Management, supervision, operation and auditing of metallurgical plants;

29          e) Teaching of metallurgical engineering subjects in government recognized  
30          universities, colleges and schools;

31          f) Employment in government as a metallurgical engineer if the nature and  
32          character of his/her work requires professional knowledge of  
33          metallurgical engineering;

34          g) Metallurgical investigation and testing of mineral and metal products;

35          h) Training of metallurgical plant operating personnel;

36          i) Research and development;

- 1 j) Participation in the preparation of environmental studies for metallurgical  
2 projects and monitoring under the Environmental Impact Assessment  
3 (EIA) system;
- 4 k) Teaching of metallurgical engineering subjects in any academic program  
5 leading to a professional degree, including refresher and review courses;  
6 and
- 7 l) Other metallurgical work or service, which, in the assessment and opinion  
8 of the Board, the same constitutes the practice of metallurgical  
9 engineering.

10  
11 **Article II**

12 **CREATION OF THE PROFESSIONAL REGULATORY BOARD**  
13 **OF METALLURGICAL ENGINEERING**

14  
15 **Sec. 6. *Composition of the Professional Regulatory Board of***  
16 ***Metallurgical Engineering--*** There is hereby created a Professional Regulatory  
17 Board of Metallurgical Engineering, hereinafter called the Board, under the  
18 administrative control and supervision of the Professional Regulation  
19 Commission, hereinafter called the Commission, to be composed of a chairman  
20 and two (2) members to be appointed by the President of the Philippines from a  
21 list of three (3) recommendees for each position, chosen and ranked in the order  
22 of preference and submitted by the Commission, from a list of five (5) nominees  
23 submitted by the duly accredited professional organization of metallurgical  
24 engineers in the Philippines. The Board shall be organized not later than six (6)  
25 months from the effectivity of the Act.

26  
27 **Sec. 7. *Powers and Duties of the Board.*** - The Board shall have the  
28 following powers and duties:

- 29
- 30 (a) To supervise and regulate the practice of metallurgical engineering  
31 profession;
- 32 (b) To determine and evaluate the qualifications of the applicants for  
33 registration;
- 34 (c) To prescribe the subjects in the licensure examinations, determine the  
35 syllabi of the subjects and their relative weights, construct the test

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

- 1 (m) To administer oaths in connection with the performance of its  
2 functions;
- 3 (n) To adopt an official seal and prescribe the seal of the metallurgical  
4 engineering profession;
- 5 (o) To submit an annual report on the proceedings and accomplishments  
6 during the year and/or recommendations of the Board to the Commission  
7 thirty (30) days after the close of each calendar year;
- 8 (p) To prosecute or institute criminal action against any violator of this Act  
9 and/or the rules and regulations of the Board;
- 10 (q) To prescribe guidelines and criteria on the continuing professional  
11 Education (CPE) program for metallurgical engineers in consultation with  
12 the integrated and accredited professional organization of metallurgical  
13 engineers; and
- 14 (r) To perform regulatory, administrative, and quasi-legislative functions as  
15 mandated under R.A. 8981, otherwise known as the PRC Modernization  
16 Act, and such other functions as may be necessary in order to implement  
17 the provisions of this Act.

18  
19 **Sec. 8. *Qualifications of the Chairman and Members of the Board*** - The  
20 chairman and members of the Board, at the time of their appointment, must be:

- 21  
22 (a) A citizen and resident of the Philippines;
- 23 (b) At least a holder of a bachelor's degree in metallurgical engineering as  
24 conferred by an engineering school of good standing, recognized and  
25 accredited by Government;
- 26 (c) A registered Metallurgical Engineer with a valid certificate of registration  
27 and professional identification card and an active practitioner for not less  
28 than ten (10) continuous years prior to his/her appointment;
- 29 (d) A person who does not have any pecuniary interest, directly or indirectly  
30 in any university, college, school or institution conferring an academic  
31 degree necessary for the admission to the practice of metallurgical  
32 engineering, or in any institution where review classes in preparation for  
33 the licensure examinations for metallurgical engineers are being officially  
34 offered or conducted; and not be a member of the faculty or of the  
35 administration thereof prior to appointment to the Board, and

1 (e) A member of the accredited professional organization (APO) of  
2 metallurgical engineers but not a trustee or officer thereof.  
3

4 **Sec. 9. Term of Office.** - The chairman and every member of the Board  
5 shall hold office for a term of three (3) years after their appointment or until their  
6 successors shall have been appointed and duly qualified. They maybe  
7 reappointed for another term of three (3) years immediately after the expiry of  
8 their term but in no case shall the whole term exceed six (6) years. Interim  
9 vacancies shall be filled for the un-expired portion of the term only.  
10

11 The chairman and members shall qualify by taking the proper oath prior to  
12 assumption of office.  
13

14 **Sec. 10. Compensation of the Board.** - The chairman and members of the  
15 Board shall receive compensation and allowances comparable to that being  
16 received by the chairman and members of other professional regulatory boards  
17 under the Commission as provided for in the General Appropriations Act.  
18

19 **Sec. 11. Custodian of Records, Secretariat and Support.** - All records of  
20 the Board, including applications for examinations, examination papers and  
21 results, minutes of meetings, deliberations of administrative and other  
22 investigative cases involving the Board shall be kept by the Commission. The  
23 Commission shall designate the Secretary of the Board and shall provide  
24 secretariat and other support services to implement the provisions of this Act.  
25

26 **Sec. 12. Grounds for Suspension or Removal of Board Members/  
27 Chairman.** - The President, upon the recommendation of the Commission after  
28 due process and administrative investigation conducted by the Commission,  
29 may remove or suspend a chairman or member of the Board on any of the  
30 following grounds:  
31

32 (a) Gross neglect, incompetence or dishonesty in the discharge of his/her  
33 duty;

34 (b) Violation of any of the causes/grounds and the prohibited acts provided  
35 in this Act and the offenses in the Revised Penal Code, the Anti-Graft and  
36 Corruption Practices, and other laws, or



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

5  
6 **Sec. 13. *Annual Report.*** - The Board shall submit an annual report to the  
7 Commission after the close of each calendar year giving detailed account of  
8 Board proceedings during the year and embodying such recommendations as  
9 the Board may desire to take.

10  
11 **Article III**

12 **LICENSURE EXAMINATION AND REGISTRATION**

13  
14 **Sec. 14. *Inhibition from Practicing Metallurgical Engineering.*** - No  
15 person shall practice or offer to practice metallurgical engineering in the  
16 Philippines without having been previously registered under the provisions of  
17 this Act or granted a certificate of exemption under this Act.

18  
19 **Sec. 15. *Passing of Licensure Examination Requirement.*** - Except as  
20 otherwise specifically allowed under this Act, applicants for registration for the  
21 practice of metallurgical engineering shall be required to pass a licensure  
22 examination as provided for in this Act.

23  
24 **Sec. 16. *Holding of Examination.*** - Examination of candidates applying for  
25 registration as Metallurgical Engineer shall be given at least once a year in such  
26 places and dates as the Commission may designate in accordance with the  
27 provisions of R.A. No. 8981.

28  
29 **Sec. 17. *Scope of Examination.*** - Unless modified by the Board and  
30 approved by the Commission, the licensure examination shall cover, but shall  
31 not be limited to, the following subjects:

- 32  
33 (a) Mineral Processing, Extractive Metallurgy, Assaying and Chemistry;  
34 (b) Physical and Applied Metallurgy;  
35 (c) Fuel Technology and Refractory Science;  
36 (d) Engineering Management, Law and Ethics;

- 1 (e) Applied Mathematics and Mechanics and,  
2 (f) Any other pertinent subjects as the Board may deem necessary to test the  
3 applicant's ability and knowledge to ensure safety, economy, proficiency  
4 and environmental compliance in the design, construction, installation,  
5 maintenance, operation, organization and management of metallurgical  
6 plants: *Provided*, That the relative weight of (a) and (b) subjects shall not be  
7 less than thirty percent each.

8  
9 Subject to the approval of the Commission, the Board may amend or  
10 revise the subjects, their syllabi, passing average, and the system and procedure  
11 in the licensure examinations for the practice of metallurgical engineering and  
12 the corresponding weight pursuant to the implementing rules and regulations  
13 issued for this purpose. The said subjects and their syllabi may be amended by  
14 the Board so as to conform to technological changes brought about by continuing  
15 trends in the profession.

16  
17 **Sec. 18. *Qualification of Applicants.*** - Any person applying for licensure  
18 examination as metallurgical engineer shall establish to the satisfaction of the  
19 Board that:

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

29  
30 **Sec. 19. - *Examination Fees***- Any applicant admitted to the metallurgical  
31 engineering examination shall pay such fees as may be prescribed by the  
32 Commission before he/she shall be allowed to take the examination.

33  
34 **Sec. 20. - *Rating in the Licensure Examination.*** - To pass the licensure  
35 examination for metallurgical engineering, a candidate must obtain a general

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

3 **Sec. 21. - Report of Ratings.** - The Board shall, within fifteen (15) days  
4 from the last day of examinations, report the rating of examinees to the  
5 Commission.

6  
7 **Sec. 22. - Issuance of Certificate of Registration and Professional**  
8 **Identification Card.** - A certificate of registration shall be issued to those who are  
9 registered with or without licensure examination subject to payment of fees  
10 prescribed by the Commission. It shall bear the signatures of the Chairperson of  
11 the Commission and of the Chairman and members of the Board, stamped with  
12 the official seal of the Commission and of the Board, certifying that the person  
13 named therein is entitled to the practice of the profession with all the privileges  
14 appurtenant thereto. Until withdrawn, revoked, or suspended in accordance  
15 with this Act, it shall remain in full force and effect.

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

20  
21 **Sec. 23. - Issuance of Certificates of Specialization.** - Upon the  
22 nomination of the accredited professional organization of metallurgical  
23 engineers, the Board shall issue a Certificate of Specialization to an applicant  
24 who is a registered metallurgical engineer and who has specialized knowledge,  
25 training and experience in a specific field of metallurgy and has documented  
26 his/her expertise and competence on the same.

27  
28 **Sec. 24. Seal of a Metallurgical Engineer.** - A metallurgical engineer,  
29 upon registration and payment of fees and dues to the accredited professional  
30 organization, shall obtain a seal of such design prescribed by the Board, bearing  
31 the registrant's name, certificate number and the legend "Registered  
32 Metallurgical Engineer". Designs, plans, specifications, project feasibility studies,  
33 appraisals, valuations, recommendations, technical reports, proposals, and other  
34 professional documents involving metallurgy, quarries, coallery works, projects  
35 or installations shall be stamped on every sheet with the said seal of the  
36 registrant when filed with government authorities or when submitted or used

1 professionally: *Provided*, That it shall be unlawful for any one to stamp or seal  
2 any document with the said seal after the certificate and/ or professional  
3 identification card shall have been revoked or cancelled or expired.

4  
5 **Sec. 25. - Fees for Registration-** *Every* person issued a Certificate of  
6 Registration shall pay to the Commission such fees as the Commission may  
7 prescribe.

8  
9 **Sec. 26. - Issuance of Temporary /Special Permits-** Temporary Special  
10 Permits shall be issued to the following upon proper application with the Board:

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

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

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

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

23  
24 *Provided*, That all the above shall secure a temporary/special permit from the  
25 Board prior to arrival in the country.

26  
27 **Sec. 27. - Refusal to Register. -** The Board shall not register any successful  
28 applicant for registration with or without licensure examination who has been:

29  
30 (a) Convicted of an offense involving moral turpitude by a court of  
31 competent jurisdiction,

32 (b) Found guilty of immoral or dishonorable conduct by the Board,

33 (c) Summarily adjudged guilty for violation of the General Instruction to  
34 Examinees by the Board; and

35 (d) Declared of unsound mind by a court of competent jurisdiction.

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

4  
5 **Sec. 28. - Revocation or Suspension of the Certificates of Registration and**  
6 **Cancellation of Temporary/Special Permit.** - The Board shall have the power,  
7 upon notice of hearing, to revoke or suspend the certificate of registration of a  
8 registered metallurgical engineer or to cancel a temporary/special permit  
9 granted to a foreign metallurgical engineer, for any of the grounds or causes  
10 enumerated in Sec. 27 of this Act, except letter (c) thereof, and for any of the  
11 following grounds:

- 12
- 13 (a) Violation of a provision of this Act, its IRR, Code of Ethics, and Code of  
14 Professional and Technical Standards for the practice of metallurgical  
15 engineering;
  - 16 (b) Perpetration or use of fraud in obtaining his/her certificate of registration,  
17 professional identification card, or temporary/special permit;
  - 18 (c) Gross incompetence, negligence or ignorance resulting to death, injury or  
19 damage;
  - 20 (d) Any act of misrepresentation in connection with an alleged performance  
21 of metallurgical engineering activities;
  - 22 (e) Acts inimical to the metallurgical engineering profession;
  - 23 (f) *Gross immorality*;
  - 24 (g) Conviction by final judgment of any act involving moral turpitude;
  - 25 (h) Aiding or abetting the illegal practice of a non-registered and non-licensed  
26 metallurgical engineer by allowing him/her to use his/her certificate of  
27 registration and/or professional identification card, or his/her  
28 special/temporary permit;
  - 29 (i) Illegally practicing the profession during his/her suspension from the  
30 practice thereof; and
  - 31 (j) Addicted to a drug or alcohol abuse impairing his/her ability to practice  
32 his/her profession, or declared with an unsound mind by a court of  
33 competent jurisdiction.
- 34

1 The Board shall periodically evaluate the afore-mentioned grounds and  
2 revise, exclude or add new ones as the need arises subject to the approval by the  
3 Commission.

4  
5 Any person, firm or association may file charges in accordance with the  
6 provision of this Section against any registrant, or the Board may investigate  
7 violation of any of the above-mentioned causes. An affidavit-complaint shall be  
8 filed together with the affidavits of witnesses and other documentary evidence  
9 with the Board through the Legal and Investigation Office. The Board may *motu*  
10 *proprio* conduct an investigation, which shall be embodied in a formal charge to  
11 be signed by at least a majority of the members of the Board. The rules on  
12 administrative investigation issued by the Commission shall govern the hearing  
13 or investigation subject to applicable provisions of this Act, R.A. No. 8981 and  
14 the Rules of Court.

15  
16 **Sec. 29. - *Re-issuance of Revoked Certificate of Registration and***  
17 ***Replacement of Lost Certificate of Registration and Professional Identification***  
18 ***Card.*** - The Board may, after two (2) years from the date of revocation of the  
19 Certificate of Registration, re-issue a certificate upon proper application.

20  
21 A new certificate of registration and professional identification card, or  
22 temporary/special permit, which has been lost, destroyed or mutilated, may be  
23 reissued after payment of the required fee prescribed by the Commission.

#### 24 25 **Article IV**

### 26 **PRACTICE OF METALLURGICAL ENGINEERING**

27  
28 **Sec. 30. - *Prohibition from Practicing Metallurgical Engineering.*** - No  
29 person shall practice or offer to practice metallurgical engineering or render  
30 metallurgical engineering service without a valid certificate of registration and a  
31 valid professional identification card. Any person who shall commit the  
32 following acts shall be guilty of misdemeanor:

- 33  
34 a) Practice metallurgical engineering or render metallurgical engineering  
35 services, or pass himself/herself off or advertise himself/herself as a

- 1 metallurgical engineer without a valid certificate of registration or when  
2 such has been suspended or revoked;
- 3 b) Attempt to use as his/her own the certificate or seal of another person or  
4 impersonate another registered metallurgical engineer; or
- 5 c) Furnish the Board or Commission any false information or document in  
6 order to secure a Certificate of Registration.

7

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

12

13 **Sec. 31. - *Who May Practice Metallurgical Engineering*** - Except as may be  
14 provided in this Act, only persons properly licensed and registered may practice  
15 metallurgical engineering. For purposes of this Act, no firm, partnership,  
16 corporation or association may be licensed and registered as such for the practice  
17 of metallurgical engineering, but duly licensed and registered metallurgical  
18 engineers may form partnerships among themselves or with other licensed and  
19 registered engineers and architects and use the title "Metallurgical Engineers,"  
20 "Engineers," or "Engineers and Architects" in their partnership name.

21

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

25

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

31

32 **Sec. 34. *Foreign Reciprocity***. - No foreign metallurgical engineer shall be  
33 granted any of the right and privilege under this Act unless the country of which  
34 he/she is a subject or citizen grants the same or similar rights or privileges to  
35 Filipino metallurgical engineers.

1           **Sec. 35. Indication of Certificate of Registration and Professional Tax**  
2 **Receipt.** - The metallurgical engineer shall be required to indicate his/her  
3 certificate of registration number, the duration of validity, including the  
4 professional tax receipt number on the documents he/she signs, uses or issues in  
5 connection with the practice of his/her profession.

6  
7           **Sec. 36. Posting of Certificates.** - Registered metallurgical engineers shall  
8 post or cause to be posted in a conspicuous place within his/her office or place of  
9 business his/her certificate of registration as metallurgical engineer; he/she shall  
10 present the same upon demand of members of the Board or law enforcement  
11 officers of the national, provincial, city, or municipal governments.

12  
13           **Sec. 37. Integration of the Metallurgical Engineering Profession.** - The  
14 metallurgical engineering profession shall be integrated into one (1) national  
15 professional organization of metallurgical engineers that is duly registered with  
16 the Securities and Exchange Commission (SEC). The Board, subject to approval  
17 by the Commission, shall accredit the said organization as the one and only  
18 integrated and accredited professional organization (APO) of metallurgical  
19 engineers. All metallurgical engineers whose names appear in the Registry Book  
20 of Metallurgical engineers shall *ipso facto* or automatically become members  
21 thereof and shall receive all the benefits and privileges appurtenant thereto upon  
22 payment of APO membership fees and dues.

23  
24           Membership in the integrated accredited professional organization shall  
25 not be a bar to membership in other metallurgical engineering organizations.

26  
27   **ARTICLE V**

28   **PENAL AND GENERAL PROVISIONS**

29  
30           **Sec. 38. Penal Clause.** - Any person who shall practice metallurgical  
31 engineering in the Philippines, as defined in this Act, without a certificate of  
32 registration in accordance with the provisions of this Act, unless declared exempt  
33 from registration, or any person presenting or using as his/her own the  
34 certificate of registration of another, or any person who shall give any false or  
35 forged evidence, or any person who shall impersonate any registrant of like or  
36 different name, or any person who shall use a revoked or suspended certificate of



1 registration, or any person who shall assume, use, or advertise any title or  
2 description tending to convey the impression that he/she is a metallurgical  
3 engineer without having graduated as such, or is engaged in the metallurgical  
4 engineering practice without holding a valid certificate of registration from the  
5 Board shall, upon conviction, be sentenced to a fine of not less than Ten  
6 Thousand Pesos (P10,000.00) but not more than One Hundred Thousand Pesos  
7 (P100,000.00) or imprisonment of not less than one (1) month but not more than  
8 five (5) years or both at the discretion of the Court.

9  
10 **Sec. 39. Act Not Affecting Other Professions.** - This Act shall not affect or  
11 prevent the practice of any other legally recognized profession.

12  
13 **Sec. 40. Enforcement of the Act by the Officers of the Law.** - The Board  
14 shall be assisted by the Commission in carrying out the provisions of this Act  
15 and its implementing rules and regulations and other policies. The lawyers of the  
16 Commission shall act as the prosecutors against illegal practitioners and other  
17 violations of this Act and its rules. The duly constituted authorities of  
18 government shall likewise assist the Board and the Commission in enforcing the  
19 provisions of this Act and its rules.

20  
21 **Sec. 41. Implementing Rules and Regulations.** - Subject to approval of the  
22 Commission, the Board shall adopt and promulgate such implementing rules  
23 and regulations and the Code of Ethics and Code of Professional and Technical  
24 Standards of Metallurgical Engineers to carry out the provisions of this Act,  
25 which shall be effective after thirty (30) days following their publication in the  
26 *Official Gazette* or in a major newspaper of general circulation.

27  
28 **Sec. 42. Funding Provision.** - The Chairperson of the Professional  
29 Regulation Commission shall immediately include in its programs the  
30 implementation of this Act, the funding of which shall be included in the Annual  
31 General Appropriations Act.

32  
33 **Sec. 43. Transitory Provisions.** - (a) After the approval of this Act,  
34 metallurgical engineers possessing valid certificates of registration issued under  
35 R.A. 1536, otherwise known as the Metallurgical Engineering Law of 1978, shall  
36 register with the Board and be issued certificates as registered metallurgical

1 engineers under this Act to replace their original certificates of registration, upon  
2 payment of the required fees.

3  
4 (b) Faculty Members currently teaching major metallurgical  
5 engineering subjects in universities, colleges, institutes, or schools shall not be  
6 allowed to continue teaching after five (5) years from the approval of this Act,  
7 unless they are or they have become registered metallurgical engineers with a  
8 Master's degree in Metallurgical Engineering or equivalent from duly recognized  
9 and accredited universities, colleges, institutes or schools and have at least five  
10 years of practical experience.

11  
12 (c) The present chairman and members of the Board shall  
13 automatically be issued Certificates of Registration as registered metallurgical  
14 engineers. They shall continue to function in the Board until such time as a new  
15 Board shall be constituted under this Act.

16  
17 **Sec. 44. Separability Clause.** - If any section or portion of this Act shall be  
18 declared unconstitutional or invalid, such shall not invalidate any other section  
19 of this Act.

20  
21 **Sec. 45. Repealing Clause.** - Presidential Decree No. 1536 is hereby  
22 repealed. All other laws, parts of law, orders, ordinances, or regulations relative  
23 to the practice of metallurgical engineering, which are inconsistent with the  
24 provisions of this Act are hereby repealed or modified accordingly.

25  
26 **Sec. 46. Effectivity.** - This Act shall take effect fifteen (15) days following  
27 its publication in a major daily newspaper of general circulation

28  
29 Approved,