

JUL 13 2000

SENATE
S.B. No. 1403

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Introduced by Senator Loren Legarda

EXPLANATORY NOTE

When Republic Act No. 7942, otherwise known as the Philippine Mining Act was passed in 1995, it brought into focus the potentials of the country in developing the mining industry within the context of sustainable principles that will in turn facilitate economic growth through streams of revenues, employment, infrastructure, and human capital development.

Like any other industry, such benefits are warranted through the fulfillment of its basic requirements, particularly a globally competitive pool of human resources. In order to ensure this prerequisite, the practice of mining engineering needs to be effectively regulated, setting standards that are at pace with global advancement.

This bill therefore seeks to supervise and standardize the practice of mining engineering through regulatory measures, programs and activities. It likewise proposes to expand the scope of mining engineering to include not just those involved in the actual act of mining but also those who:

1. calculate, estimate, and certify mineral, energy and water reserves;
2. prepare mine feasibility studies, mine valuation or auditing;
3. engage in mine consulting;
4. participate in the preparation of environmental studies for mining projects and monitoring of the same;
5. employed in government services that require professional knowledge of mining engineering; and
6. teach or conduct reviews on professional mining engineering subjects in government-recognized and accredited universities, colleges, schools and institutes.

To act as the overseeing body of the mining engineering profession, the bill proposes to create the Professional Regulatory Board of Mining Engineering. Among the salient powers and duties of the Board are to:


1. adopt a Code of Ethics and a Code of Professional and Technical Standards for the practice of the mining engineering profession;
2. determine and evaluate the qualifications of the applicants for registration;
3. issue together with the Professional Regulatory Commission, Certificates of Registration and Professional Identification Cards to applicants who have passed the licensure examinations for registered mining engineers;
4. inspect the facilities, faculty, equipment and other aspects directly related to the mining engineering program of educational institutions;

5. prescribe guidelines and criteria on the Continuing Professional Education (CPE) program for mining engineers in consultation with the integrated and accredited mining engineer organizations, and
6. perform regulatory, administrative, and quasi-legislative functions as mandated under R.A. 8981 otherwise known as the PRC Modernization Act, and such other functions as may be necessary.

The proposed measure limits those who can practice the profession to those persons that have obtained licensure and registration, effectively inhibiting firms, partnerships, corporation or association from obtaining the same. It shall also enforce penalties in order to safeguard the credibility of the profession.

While the end-goal in promoting the mining industry is to boost the economy, we should also endeavor to raise the standards of the profession of mining engineering not only to ensure its competitiveness in the global arena but also to guarantee best practices that are cognizant of the principles of sustainable and responsible mining.

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


LOREN LEGARDA
Senator

1 FIFTEENTH CONGRESS OF THE)
2 REPUBLIC OF THE PHILIPPINES)
3 First Regular Session)
4

OFFICE

U. D. S. 1170

5 S E N A T E
6 S.B. No. 1403

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

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

Article I

TITLE, STATEMENT OF POLICY, DEFINITION OF TERMS AND SCOPE OF
PRACTICE

13
14 **Section 1. Title.** - This Act shall be known as the "Mining Engineering Act of
15 2010".

16
17 **Sec. 2. Statement of Policy.** - It is hereby declared the policy of the State to
18 supervise and standardize the practice of Mining Engineering as it is vital to
19 national development and to upgrade the quality of mining engineers in the
20 Philippines whose standards of professional practice shall be excellent, world-class
21 and globally competitive through regulatory measures, programs and activities.

22
23 **Sec. 3. Objectives.** - This Act shall govern but shall not be limited to:

- 24
25 (a) the examination, registration, and licensure of professional mining engineers,
26 mining engineers, and certified mine foremen;
27 (b) the supervision, control and regulation of the practice of mining engineering;
28 (c) the development and upgrading of the curriculum of the mining engineering
29 profession;

- 1 (d) the promotion of the professional competence of mining engineers through
2 continuing professional development/education; and
3 (e) the integration of the mining engineering profession.
4

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

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

1 Professional Identification Cards issued by the Professional Regulatory Board
2 of Mining Engineering and the Professional Regulation Commission.

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

- 7
- 8 (a) Management, engineering or supervisory positions in mines, mine
9 installation or construction projects where knowledge in mining engineering
10 is necessary in carrying out such function;
 - 11 (b) Calculation, estimation and certification of mineral, energy and water
12 reserves, preparation of mine feasibility studies; mine valuation or auditing;
13 and mine consulting;
 - 14 (c) Participation in the preparation of environmental studies for mining projects
15 and monitoring under the Environmental Impact Assessment (EIA) system;
 - 16 (d) Preparation, approval or signing of mining documents such as but not limited
17 to mine reports, mine plans and designs, specifications or project estimates;
 - 18 (e) Design, commissioning or decommissioning of mines, mining methods and
19 applicable machinery, works or installation;
 - 20 (f) Employment in government service, if the nature and character of his/her
21 work is in line with the profession requiring professional knowledge of the
22 science of mining engineering;
 - 23 (g) Management or supervision of small scale mines or similar projects as
24 prescribed by law;
 - 25 (h) Mine engineering practice or services covered by bilateral or multilateral
26 trade agreements where the Philippines is a signatory;
 - 27 (i) Teaching, lecturing and reviewing of professional mining engineering
28 subjects in government recognized and accredited universities, colleges,
29 schools and institutes; and
 - 30 (j) All other functions, services and activities which, in the assessment and
31 opinion of the Board, the same constitute the practice of Mining Engineering.

32
33 **Article II**

34 **CREATION OF THE PROFESSIONAL REGULATORY BOARD**
35 **OF MINING ENGINEERING**

1 **Sec. 6. Composition of the Board of Mining Engineering.** - There is hereby
2 created a Professional Regulatory Board of Mining Engineering, hereinafter referred
3 to as the Board, under the administrative control and supervision of the Professional
4 Regulation Commission, hereinafter referred to as the Commission, composed of a
5 Chairperson and two (2) members to be appointed by the President of the
6 Philippines from among those recommended by the Commission from the nominees
7 of the duly Accredited Professional Organization (APO) of Professional Mining
8 Engineers, Mining Engineers and Certified Mine Foremen. The new Board shall be
9 constituted three (3) months from the effectivity of this Act.

10
11 **Sec. 7. Powers and Duties of the Board.** - The Board shall have the following
12 powers and duties:

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

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

32
33 **Sec. 8. Qualifications of the Chairperson and Members of the Board.** - The
34 Chairperson and members of the Board, at the time of his/her appointment must be:

- 35
36 (a) A natural born citizen and resident of the Philippines;

- 1 (b) At least a holder of a bachelor's degree in mining engineering as conferred by
2 an engineering school of good standing, recognized and accredited by the
3 government;
- 4 (c) A Professional Mining Engineer with a valid certificate of registration and
5 professional identification card and an active practitioner for not less than
6 ten (10) continuous years prior to his/her appointment;
- 7 (d) A person who does not have any pecuniary interest, directly or indirectly in
8 any university, college, school or institution conferring an academic degree
9 necessary for the admission to the practice of mining engineering, or
10 institutions where review classes in preparation for the licensure
11 examinations for mining engineers are being officially offered or conducted;
12 nor shall he/she be a member of the faculty or of the administration thereof
13 prior to appointment to the Board; and
- 14 (e) A member of the accredited professional organization of Mining Engineers
15 but not a trustee or officer thereof..

16
17 **Sec. 9. Term of Office.** - The Chairperson and the members of the Board shall
18 hold office for a term of three (3) years after their appointment or until their
19 successors shall have been appointed and duly qualified. They may be reappointed
20 for another term of three (3) years immediately after the expiration of their term but
21 in no case shall the whole term exceed six (6) years. Interim vacancies shall be filled
22 for the unexpired portion of the term only.

23
24 The Chairperson and members shall qualify by taking the proper oaths prior to
25 assumption of office.

26
27 **Sec. 10. Compensation of the Board.** - The Chairperson and members of the
28 Board shall receive compensation and allowances comparable to that being received
29 by the chairpersons and members of other professional regulatory boards under the
30 Commission as provided for in the General Appropriations Act.

31
32 **Sec. 11. Custodian of Records, Secretariat and Support.** - All records of the
33 Board, including applications for examinations, examination papers and results,
34 minutes of meetings, deliberations of administrative and other investigative cases
35 involving the Board shall be kept by the Commission. The Commission shall

1 designate the Secretary of the Board and shall provide secretariat and other support
2 services to implement the provisions of this Act.

3
4 **Sec. 12. *Grounds for Suspension or Removal of Board Members/Chairperson.***

5 - The President, upon the recommendation of the Commission after due process and
6 administrative investigation conducted by the Commission, may remove or suspend
7 the Chairperson or a member of the Board on any of the following grounds:

- 8
9 (a) Gross negligence, incompetence or dishonesty in the discharge of his/her
10 duty;
11 (b) Violation of any of the causes/grounds and the prohibited acts provided in
12 this Act and the offenses in the Revised Penal Code, the Anti-Graft and
13 Corruption Practices, and other laws, or
14 (c) Manipulation or rigging of the licensure examination result for mining
15 engineering, disclosure of secret and confidential information on the
16 examination questions prior to the conduct thereof, or tampering of grades.

17
18 **Sec. 13. *Annual Report.*** - The Board shall submit an annual report to the
19 Commission after the close of each fiscal year giving detailed account of Board
20 proceedings during the year and embodying such recommendations as the Board
21 may desire to take.

22
23 **Article III**

24 **LICENSURE EXAMINATION AND REGISTRATION**

25
26 **Sec. 14. *Categories of Registration.*** - Registration for the practice of mining
27 engineering shall be of three (3) categories, as follows:

- 28
29 (a) Professional Mining
30 (b) Mining Engineer
31 (c) Certified Mine Foreman
32

33 **Sec. 15. *Passing of Licensure Examination Requirement.*** - Except as otherwise
34 specifically allowed under this Act, applicants for registration for the practice of
35 mining engineering shall be required to pass a licensure examination as provided for

1 in this Act in such places and dates as the Commission may designate in accordance
2 with the provisions of R.A. No. 8981 or the PRC Modernization Act of 2000.

3
4 **Sec. 16. *Holding of Examination.*** - Examination of candidates applying for
5 registration as Mining Engineer shall be given at least once a year on the date and
6 venue prescribed by the Commission and such examination shall be conducted by
7 the Board.

8
9 **Sec. 17. *Scope of Examination for Mining Engineers.*** - In the licensure
10 examinations for Mining Engineers, the scope of examination, methods and
11 procedures shall be prescribed by the Board. The licensure examination shall cover,
12 but shall not be limited to, the following subjects:

- 13
14 (a) Geology, and Mineral/Ore Resources Exploration;
15 (b) Mining Engineering, Laws and Ethics;
16 (c) Ore Processing/Beneficiation; and
17 (d) Environmental Protection, Mine Safety and Social Acceptability.

18
19 The Board, subject to approval by the Commission, may revise or exclude any
20 of the subjects and their syllabi, and add new ones as the need arises to conform to
21 technological changes brought about by continuing trends in the profession.
22 *Provided,* That a detailed syllabi of the above examinations covering the whole
23 aspects of the mining engineering profession and practice shall be prepared by the
24 Board.

25
26 **Sec. 18. *Qualifications of Applicants for Mining Engineer.*** - Any person
27 applying for licensure examination as Mining Engineer shall establish to the
28 satisfaction of the Board that:

- 29
30 (a) he/she is a citizen of the Philippines or a foreign citizen whose country has
31 reciprocity agreement with the Philippines ;
32 (b) he/she holds a degree of Bachelor of Science in Mining Engineering from a
33 university, school, college, academy, or institute duly constituted and
34 recognized as such by the government; and
35 (c) he/she must not have been convicted by a court of law of a crime involving
36 moral turpitude.

1
2 **Sec. 19. Registration of Professional Mining Engineer and Certified Mine**
3 **Foreman.** - Registration of the following categories of practice of mining engineering
4 shall require no written licensure examinations.
5

6 a) **Professional Mining Engineer-** The granting of Certificate of Registration to
7 Professional Mining Engineers shall be testimonial in nature. Candidates for
8 certification shall be nominated by the accredited professional organization
9 which shall evaluate, attest and certify to the credentials of applicants to
10 include, but not limited to, an enumeration of experience and presentation of
11 a mining engineering report or technical paper pertinent to his/her line of
12 experience.

13 b) **Certified Mine Foreman-** The granting of Certificate of Registration as
14 Certified Mine Foreman shall be upon the nomination of the accredited
15 professional organization which shall evaluate, testify and certify to the
16 qualification of applicants through oral examinations on specific subjects such
17 as, but not limited to, mining operations, drilling and blasting, mine safety,
18 environmental protection and pertinent mine rules and regulations. *Provided,*
19 That applicants for Blaster Foreman's Licenses issued by the Philippine
20 National Police (PNP) must be either a graduate mining engineer or
21 registered mining engineer or certified mine foreman.
22

23 **Sec. 20. Qualifications of Applicants for Professional Mining Engineer.** - An
24 applicant for registration as a Professional Mining Engineer must, at the time of
25 filing of his/her application, establish to the satisfaction of the Board that:
26

- 27 (a) he/she is a citizen of the Philippines or a foreign citizen whose country has
28 reciprocity agreement with the Philippines;
- 29 (b) he/she has a valid certificate of registration as Mining Engineer and a holder
30 of a valid Professional Identification Card;
- 31 (c) he/she has graduated from an engineering school or college of recognized
32 standing, after completing an approved course in mining engineering;
- 33 (d) he/she has a specific record of a total of ten (10) years or more of active and
34 continuous mining engineering practice prior to his/her registration;
- 35 (e) he/she holds at least one certificate of specialization in mining engineering
36 as specified under Section 26 thereof; and

1 (f) he/she must not have been convicted by a court of law of a crime involving
2 moral turpitude.

3
4 **Sec. 21. *Qualifications of Applicants for Mine Foreman.*** - Any person
5 applying for a certificate of registration as Mine Foreman shall establish to the
6 satisfaction of the Board that:

7
8 (a) he/she is a Filipino citizen and at least twenty-one years of age;

9 (b) he/she is of good reputation and moral character;

10 (c) he/she is a graduate of a Mine Foreman course from a mining school
11 or institute duly accredited by the government and has at least ten (10)
12 years actual experience in mining; or

13 (d) he/she is a graduate of Mining Engineering from a government-
14 recognized school, university, institute or college with at least five (5)
15 years of actual experience in mining; or

16 (e) he/she is a college graduate with at least fifteen (15) years of actual
17 experience in mining; and

18 (f) he/she is competent to be a mine or quarry foreman as certified and
19 attested to by the accredited professional association of mining engineers.

20
21 **Sec. 22. *Examination Fees.*** - Any applicant admitted to take the mining
22 engineering examination shall pay such fees as may be prescribed by the
23 Commission before he/she is allowed to take the same.

24
25 **Sec. 23. *Rating in the Licensure Examination.*** - To pass the licensure
26 examination for mining engineering, a candidate must obtain a general or weighted
27 average of no less than seventy per centum (70%) and a rating of no less than fifty
28 per centum (50%) in any examination subject.

29
30 **Sec. 24. *Report of Ratings.*** - The Board shall complete the correction of
31 examination papers within three (3) days from the last day of examinations. The
32 Commission shall report the rating of examinees not more than thirty (30) days after
33 the Board has completed the correction of examination papers.

34
35 **Sec. 25. *Issuance of Certificates of Registration and Professional***
36 ***Identification Card.*** - A certificate of registration shall be issued to those who are

1 registered with or without licensure examination subject to payment of fees
2 prescribed by the Commission. It shall bear the signatures of the Chairperson of the
3 Commission and of the Chairperson and members of the Board, stamped with the
4 official seal of the Commission and of the Board, certifying that the person named
5 therein is entitled to the practice of the profession with all the privileges appurtenant
6 thereto. Until withdrawn, revoked, or suspended in accordance with this Act, it
7 shall remain in full force and effect.

8
9 A professional identification card bearing the registration number and date,
10 its validity and expiry duly signed by the Chairperson of the Commission shall
11 likewise be issued to every registrant who has paid the prescribed fees.

12
13 **Sec. 26. Issuance of Certificates of Specialization.** - Upon the nomination of
14 the accredited professional organization of mining engineers, the Board shall issue a
15 Certificate of Specialization to an applicant who is a registered mining engineer and
16 who has specialized knowledge, training and experience in a specific field of
17 mining and has documented his/her expertise and competence on the same.

18
19 **Sec. 27. Seal of a Professional and Registered Mining Engineer.** - A
20 Professional Mining Engineer or a Mining Engineer, upon registration and payment
21 of fees and dues to the accredited professional organization, shall obtain a seal of
22 such design prescribed by the Board, bearing the registrant's name, certificate
23 number and the legend "Professional Mining Engineer" or "Mining Engineer".
24 Designs, plans, specifications, project feasibility studies, appraisals, valuations,
25 recommendations, technical reports, proposals, and other professional documents
26 involving mines, quarries, colliery works, projects or installations shall be stamped
27 on every sheet with the said seal of the registrant when filed with government
28 authorities or when submitted, or used professionally: *Provided*, That it shall be
29 unlawful for any one to stamp or seal any document with the said seal after the
30 certificate and/ or professional identification card shall have been revoked or
31 cancelled or has expired.

32
33 **Sec. 28. Fees for Registration.** - Every person issued a Certificate of
34 Registration shall pay to the Commission such fees as the Commission may
35 prescribe.

36

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

3
4 (a) foreign Mining Engineers, recognized as experts in their specific fields of
5 mining engineering, called in by the Republic of the Philippines for
6 consultation or for specific design, installation or project: *Provided*, That their
7 practice shall be confined to such work only;

8 (b) foreign Mining Engineers who have distinguished themselves in their
9 respective fields of specialization, contracted as professors or lecturers on
10 mining engineering subjects by Philippine schools, or colleges, institutes or
11 universities on a direct hire or exchange basis, subject to verification of
12 credentials by the Board; or

13 (c) foreign Mining Engineers who are duly registered under the bilateral or
14 multilateral agreements where the Philippines is a signatory.

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

17
18 **Sec. 30. Refusal to Register.** - The Board shall not register any successful
19 applicant for registration with or without licensure examination who has been:

20
21 (a) convicted of an offense involving moral turpitude by a court of competent
22 jurisdiction;

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

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

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

27
28 In refusing such registration, the Board shall give the applicant a written
29 statement setting forth the reasons therefor and shall file a copy thereof in its
30 records.

31
32 **Sec. 31. Revocation or Suspension of the Certificates of Registration and**
33 **Cancellation of Temporary/Special Permit.**- The Board shall have the power, upon
34 notice and hearing, to revoke or suspend the certificate of registration of a
35 Professional Mining Engineer, Mining Engineer or Certified Mine Foremen to cancel
36 a temporary/special permit granted to a foreign mining engineer, for violation of

1 any of the grounds or causes in Sec. 30 of this Act, except (c) thereof and on any of
2 the following grounds :

- 3
- 4 (a) violation of a provision of this Act, its Implementing Rules and Regulations,
5 Code of Ethics, and Code of Professional and Technical Standards for the
6 practice of mining engineering;
 - 7 (b) perpetration or use of fraud in obtaining his/her certificate of registration,
8 professional identification card, or temporary/special permit;
 - 9 (c) gross incompetence, negligence or ignorance resulting to death, injury or
10 damage;
 - 11 (d) any act of misrepresentation in connection with an alleged performance of
12 mining engineering activities;
 - 13 (e) acts inimical to the mining engineering profession;
 - 14 (f) gross immorality;
 - 15 (g) conviction by final judgment of any act involving moral turpitude;
 - 16 (h) aiding or abetting the illegal practice of a non-registered and non-licensed
17 mining engineer by allowing him/her to use his/her certificate of registration
18 and/or professional identification card, or his/her special/temporary permit;
 - 19 (i) illegally practicing the profession during his/her suspension from the
20 practice thereof; or
 - 21 (j) addicted to a drug or alcohol abuse impairing his/her ability to practice
22 his/her profession, or declared with an unsound mind by a court of
23 competent jurisdiction.
- 24

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

28

29 Any person, firm or association may file charges in accordance with the
30 provision of this Section against any registrant, or the Board may investigate
31 violation of any of the above-mentioned causes. An affidavit-complaint shall be
32 filed together with the affidavits of witnesses and other documentary evidence with
33 the Board through the Legal and Investigation Office. The Board may *motu proprio*
34 conduct an investigation which shall be embodied in a formal charge to be signed by
35 at least a majority of the members of the Board. The rules on administrative

1 investigation issued by the Commission shall govern the hearing or investigation
2 subject to applicable provisions of this Act, R.A. No. 8981 and the Rules of Court.

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

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

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

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

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

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

27 28 **Article IV**

29 **PRACTICE OF MINING ENGINEERING**

30
31 **Sec. 34. *Prohibition from Practicing Mining Engineering.*** - No person shall
32 practice or offer to practice mining engineering in the Philippines without having
33 been previously registered as a, Professional Mining Engineer, Mining Engineer or
34 Certified Mine Foreman under the provisions of this Act or granted a temporary
35 /special permit.

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

8
9 **Sec. 36. *Vested Rights.*** - All practicing mining engineers who are registered
10 as mining engineers at the time this Act takes effect, shall automatically be
11 registered under this Act as Mining Engineers.

12
13 **Sec. 37. *Roster of Engineers and Foremen.*** - A roster showing the names,
14 registration numbers and dates of issue and expiry, current addresses, place of
15 business of all Professional Mining Engineers, Mining Engineers and Certified
16 Mine Foremen, shall be prepared and kept by the Commission which shall be made
17 available to interested parties upon formal written request.

18
19 **Sec. 38. *Foreign Reciprocity.*** - No foreign mining engineer shall be granted
20 any of the rights and privileges under this Act unless the country of which he/she is
21 a subject or citizen grants the same or similar rights or privileges to Filipino mining
22 engineers.

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

30
31 **Sec. 40. *Posting of Certificates.*** - The owner, manager or other person in
32 charge of any mine or quarry operation of a firm, co-partnership, company,
33 corporation, or joint stock association, shall post or cause to be posted in a
34 conspicuous place within the premises of such mines, the certificate of registration of
35 professional mining engineers, mining engineers and mine foremen employed
36 therein.

1 **Sec. 41. Integration of the Mining Engineering Profession.** - The mining
2 engineering profession shall be integrated into one (1) national professional
3 organization composed of professional mining engineers, mining engineers and
4 certified mine foremen and shall be duly registered with the Securities and
5 Exchange Commission (SEC). The Board, subject to approval by the Commission
6 shall accredit the said organization as the one and only integrated and accredited
7 professional organization (APO) of professional mining engineers, mining engineers
8 and certified mine foremen. All professional mining engineers, mining engineers
9 and certified mine foremen whose names appear in the Registry Book of these
10 professionals shall *ipso facto* or automatically become members thereof and shall
11 receive all the benefits and privileges appurtenant thereto upon payment of APO
12 membership fees and dues.

13
14 Membership in the integrated accredited professional organization shall not
15 be a bar to membership in other mining engineering organizations.

17 ARTICLE V

18 PENAL AND GENERAL PROVISIONS

19
20 **Sec. 42. Penal Clause.** - The following shall, upon conviction, be punished by
21 a fine of not less than Ten Thousand Pesos (P10,000.00) but not more than One
22 Million Pesos (P1,000,000.00) or imprisonment of not less than one (1) month but not
23 more than five (5) years at the discretion of the court:

24
25 (a) Any person who shall practice mining engineering in the Philippines, as
26 defined in this Act, without a valid certificate of registration and valid
27 professional identification card, or temporary/ special permit in accordance
28 with the provisions of this Act, unless declared exempt from registration.

29 (b) Any person presenting or using as his/her own the certificate of registration
30 and/or professional identification card or temporary/special permit of
31 another.

32 (c) Any person who shall give any false or forged evidence.

33 (d) Any person who shall impersonate any registrant of like or different name.

34 (e) Any person who shall use a revoked or suspended certificate of registration,
35 and/or a valid professional identification card, or a valid temporary/special
36 permit, or an expired/non-current Professional identification card, or an
37 expired cancelled temporary/special permit.

1 (f) Any person who shall assume, use, or advertise any title or description
2 tending to convey the impression that he/she is a mining engineer without
3 having graduated as such, or is engaged in the mining engineering practice,
4 without holding a valid certificate of registration and a valid professional
5 identification card, or a valid temporary/special permit from the Board.
6

7 **Sec. 43. - Act Not Affecting Other Professions.** - This Act shall not affect or
8 prevent the practice of any other legally recognized profession.
9

10 **Sec. 44. Enforcement of the Act by the Officers of the Law.** - The Board shall
11 be assisted by the Commission in carrying out the provisions of this Act and its
12 implementing rules and regulations and other policies. The lawyers of the
13 Commission shall act as the prosecutors against illegal practitioners and other
14 violations of this Act and its rules. The duly constituted authorities of government
15 shall likewise assist the Board and the Commission in enforcing the provisions of
16 this Act and its rules.
17

18 **Sec. 45. Implementing Rules and Regulations.** - Subject to the approval of the
19 Commission, the Board in consultation with the APO shall adopt and promulgate
20 such implementing rules and regulations and the Code of Ethics and Code of
21 Professional and Technical Standards of Mining Engineers to carry out the
22 provisions of this Act.
23

24 **Sec. 46. Funding Provision.** - The Chairperson of the Professional Regulation
25 Commission shall immediately include in the Commission's programs the
26 implementation of this Act, the funding of which shall be included in the Annual
27 General Appropriations Act.
28

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

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

5
6 **Sec. 48. Separability Clause.** - If any section or portion of this Act shall be
7 declared unconstitutional or invalid, such shall not invalidate any other section of
8 this Act.

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

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

17
18 Approved,