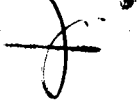


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SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY: 

SENATE
S. No. 553

Introduced by Sen. Antonio "Sonny" F. Trillanes IV

**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 ENTITLED "MINING ENGINEERING LAW OF THE PHILIPPINES",
AND FOR OTHER PURPOSES.**

EXPLANATORY NOTE

The Philippine mining industry is a major contributor to the Gross Domestic Product (GDP) of the country and has been experiencing robust growth in recent years. The strength of the mining industry has attracted the attention of both foreign and domestic investors, and has seen the emergence of business and professional groups who adopted and formulated professional titles, technical standards and mineral reporting codes without any authorization from law.

In the absence of clear-cut provisions in the Mining Engineering Law of 1965, these professional titles, technical standards and mineral reporting codes have been adopted and used by some business and professional groups, and implemented by non-Mining Engineers to the detriment of the majority of Registered Mining Engineers.

Furthermore, the Philippine Government, through the Department of Trade and Industry (DTI), has already signed with other Southeast Asian countries, an ASEAN Mutual Recognition Act which would eventually allow foreign Mining Engineers to practice in the Philippines. This is in violation of the Philippine Constitution. Moreover, several private groups such as the APEC Engineer, in which the Professional Regulations Commission is a member, has been issuing professional titles such as APEC Engineers while there are also some who has been issuing professional titles such as ASEAN Engineers, Competent Persons, and Qualified Persons. These unauthorized activities have caused confusion in the Philippine Mining Industry particularly among Registered Mining Engineers because such activities tend to discriminate against majority of Registered Mining Engineers and eliminate many of the rights and privileges already granted to them by RA 4274 or the Mining Engineering Act of 1965.

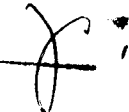
To this end, there is a need to protect the vested rights and privileges of Registered Mining Engineers in good standing with the Professional Regulations Commission (PRC), and to update the Mining Engineering Act of 1965, to harmonize it with other engineering professions and make the mining industry more professionally competitive.

In view thereof, passage of this bill is urgently sought


ANTONIO "SONNY" F. TRILLANES IV
Senator

16 JUL 19 P4:41

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

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ARTICLE I

GENERAL PROVISIONS

SECTION 1. *Title.* - This Act shall be known as the "New Mining Engineering Act
of 2016."

SEC. 2. *Declaration of Policy.* - It is hereby declared the policy of the State to
supervise and regulate the practice of mining engineering which is vital to national
development; and upgrade the quality of mining engineers whose standards of professional
practice shall be at par with the best in the world and to reserve the practice of mining
engineering to Filipino citizens.

SEC. 3. *Objectives.* - This Act shall govern:

- a) the examination, registration, and licensure of professional mining engineers,
registered mining engineers and certified mine foremen;
- b) the supervision, control, and regulations of the practice of mining engineering;
- c) the development and upgrading of the curriculum of mining engineering profession;
- d) the development of the professional competence of mining engineers through
continuing professional education; and
- e) the integration of the mining engineering profession.

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

- 1 a) Practice of mining engineering shall mean the rendering or offering of mining
2 engineering services for a fee, salary, reward or compensation, paid to him/her or
3 through another person or persons, or even without such reward or compensation. The
4 term "practice of mining engineering" shall be synonymous to "rendering of mining
5 engineering service".
6
- 7 b) Mine shall mean all kinds of excavations and/or extractions aimed at extracting
8 minerals, materials, ores and/or energy resources for beneficial usage.
9
- 10 c) Mineral/ore resource shall mean a concentration or occurrence of minerals/materials
11 of intrinsic economic interest in or on the earth's crust in such form and quantity that
12 there are reasonable prospects for eventual economic extraction.
13
- 14 d) Mineral/Ore reserve shall mean that portion of a mineral resource that is economically
15 mineable which, after the application of all mining factors, result in an estimated
16 tonnage and grade, that based on the certification of the mining engineer making the
17 estimates, can be the basis of a viable project after taking into account all relevant
18 mining, metallurgical processing, economic, marketing, legal, environmental, social
19 and regulatory factors.
20
- 21 e) Energy resources shall mean coal, gas, petroleum, geothermal fluids or radioactive
22 minerals that can be mined or harnessed for the production of power and other
23 beneficial usage.
24
- 25 f) Mine installations shall mean surface, underground or underwater excavations that
26 require knowledge of mining engineering.
27
- 28 g) Mining engineer shall mean a person who is a holder of a valid Certificate of
29 Registration and Professional Identification Card issued by the Board of Mining
30 Engineering and the Professional Regulation Commission.
31

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

- 35 a) Management, engineering or supervisory positions in mines, mine installation or
36 construction projects where knowledge in mining engineering is necessary in carrying
37 out such function;
38
- 39 b) Calculation, estimation and certification of mineral and/or ore reserves, preparation of
40 mine pre-feasibility and feasibility studies; mine valuation, mine auditing, mine
41 consulting, third party fairness opinion, third party mine audits and appraisal of
42 mining machinery and equipment;
43
- 44 c) Participation in the preparation of environmental studies for mining projects and
45 monitoring under the Environmental Impact Assessment (EIA) system that calls for
46 knowledge of mining engineering;
47

- 1 d) Preparation, approval or signing of mining documents such as but not limited to mine
2 reports, mine plans and designs, specifications or project estimates, and mining
3 engineer's report;
4
5 e) Design of mines, mining methods and applicable machinery, works or installation and
6 commissioning or decommissioning of mines;
7
8 f) Employment in government service, if the nature and character of his/her work is in
9 line with the profession requiring professional knowledge of mining engineering;
10
11 g) Management or supervision of small scale mines or similar projects as prescribed by
12 law;
13
14 h) Formulation of Mineral Reporting Codes and/or Engineering/Technical standards for
15 use by Professional and Registered Mining Engineers;
16
17 i) Teaching, lecturing and reviewing of professional mining engineering subjects in
18 government recognized and accredited universities, colleges, schools and institutes;
19
20 j) Use of "E.M." after his/her name;
21
22 k) Use of a temporary permit; and
23
24 l) All other functions, services and activities which, in the assessment and opinion of the
25 Board, the same constitute the practice of Mining Engineering.
26

27 **ARTICLE II**
28 **CREATION OF THE PROFESSIONAL REGULATORY BOARD**
29 **FOR MINING ENGINEERS**
30

31 **SEC. 6. *Composition of the Board of Mining Engineering.*** - There is hereby created
32 a Professional Regulatory Board of Mining Engineering, hereinafter referred to as the Board,
33 under the administrative control and supervision of the Professional Regulation Commission,
34 hereinafter called as the Commission, composed of a Chairman and two (2) members to be
35 appointed by the President of the Philippines from among those recommended by the
36 Commission, from the nominees of the duly Accredited Professional Organization (APO) of
37 mining engineers. The new Board shall be constituted three (3) months from the effectivity of
38 this Act.
39

40 **SEC. 7. *Powers and Duties of the Board.*** - The Board shall have the following
41 powers and duties:

- 42 a) To supervise and regulate the practice of mining engineering profession;
43
44 b) To determine and evaluate the qualifications of the applicants for registration;
45

- 1 c) To 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
- 6 d) To issue together with the Commission, Certificates of Registration and Professional
7 Identification Cards to applicants who have passed the licensure examinations for
8 registered mining engineers;
9
- 10 e) To issue temporary permits to foreign mining engineers;
11
- 12 f) To inquire into conditions affecting the practice of the profession and adopt measures
13 for the enhancement and maintenance of high professional, ethical and technical
14 standards. Pursuant thereto, the Board may inspect establishments where mining
15 engineers practice their profession such as mines, plants, offices and the like in order
16 to determine and enforce compliance with the provisions of this Act and issue
17 Certificates of Compliance for the purpose;
18
- 19 g) In coordination with the Commission on Higher Education (CHED), inspect the
20 facilities, faculty, equipment and other aspects directly related to the mining
21 engineering program of educational institutions;
22
- 23 h) To adopt the Implementing Rules and Regulations (IRR) necessary for carrying out
24 the provisions of this Act;
25
- 26 i) To adopt a Code of Ethics, Reporting Codes and a Code of Professional and
27 Technical Standards for the practice of the Mining Engineering profession;
28
- 29 j) To investigate, in accordance with the rules on administrative investigation
30 promulgated by the Commission, violations of this Act and its Implementing Rules
31 and Regulations, the Code of Ethics and the Code of Professional and Technical
32 Standards for mining engineers, administrative policies, orders and issuances
33 promulgated by the Board;
34
- 35 k) To issue *subpoena duces tecum* to secure the attendance of witnesses or the
36 production of documents in connection with administrative cases before the Board;
37
- 38 l) To hear and decide administrative cases filed against mining engineers and firms
39 employing mining engineers. The hearing shall be presided by the chairman or a
40 member of the Board with the assistance of an Attorney of the Commission. The
41 decision of the Board may be appealed to the Commission and to the Court within
42 fifteen (15) days from notice otherwise the decision shall become final and executor;
43
- 44 m) To administer oaths in connection with the performance of its functions;
45
- 46 n) To adopt an official seal and prescribe the seal of the mining engineering profession;
47
- 48 o) To submit an annual report on the proceedings and accomplishments during the year
49 and/or recommendations of the Board to the Commission thirty (30) days after the
50 close of each calendar year;

- 1
2 p) To prosecute or institute criminal action against any violator of this Act and/or rules
3 and regulations of the Board;
4
5 q) To prescribe guidelines and criteria on the Continuing Professional Education (CPE)
6 program for mining engineers in consultation with the integrated and accredited
7 mining engineer organizations; and
8
9 r) To perform regulatory, administrative, and quasi-legislative functions as mandated
10 under R.A. 8981 otherwise known as the Pre Modernization Act, and such other
11 functions as may be necessary in order to implement the provisions of this Act.
12

13 **SEC. 8. *Qualifications of the Chairman and Members of the Board*** - The Chairman
14 and members of the Board, at the time of his/her appointment, must be:

- 15 a) a natural born citizen and resident of the Philippines for at least ten (10) consecutive
16 years;
17
18 b) at least thirty-five (35) years of age, of proven integrity, with high moral values in his
19 personal as well as his professional conduct;
20
21 c) a person with no final conviction by a court of an offense involving moral turpitude;
22
23 d) at least a holder of a Bachelor's Degree in Mining Engineering (BSEM) from a
24 university, school, college, academy or institution duly constituted, recognized and
25 accredited by the Philippine Government;
26
27 e) a Professional Mining Engineer with a valid certificate of registration and
28 professional identification card and an active practitioner for not less than ten (10)
29 continuous years prior to his/her appointment with a sworn statement as such;
30
31 f) a person who does not have any pecuniary interest, directly or indirectly in any
32 university, college, school or institution conferring an academic degree necessary for
33 the admission to the practice of mining engineering, or institutions where review
34 classes in preparation for the licensure examinations for mining engineers are being
35 officially offered or conducted; nor shall he/she be a member of the faculty or of the
36 administration thereof prior to appointment to the Board; and
37
38 g) a member of the Accredited Professional Association of Mining Engineers but not a
39 director, trustee or officer thereof.
40

41 **SEC. 9. *Term of Office.*** - The Chairman and every member of the Board shall hold
42 office for a term of three (3) years after the appointment or until their successors shall have
43 been appointed and duly qualified. They may be reappointed for another term of three (3)
44 years immediately after the expiry of their term but in no case shall the whole term exceed six
45 (6) years. Interim vacancies shall be filled for the unexpired portion of the term only.
46

1 The Chairman and Members shall qualify by taking the proper oaths prior to
2 assumption of office.

3

4 **SEC. 10. Compensation of the Board.** - The Chairman and members of the Board
5 shall receive compensation and allowances comparable to that being received by the
6 chairman and members of other professional regulatory boards under the Commission as
7 provided for in the General Appropriations Act.

8

9 **SEC. 11. Custodian of Records, Secretariat and Support.** - All records of the Board,
10 including applications for examinations, examination papers and results, minutes of meetings,
11 deliberations of administrative and other investigative cases involving the Board shall be kept
12 by the Commission. The Commission shall designate the Secretary of the Board and shall
13 provide secretariat and other support services to implement the provisions of this Act.

14

15 **SEC. 12. Grounds for Suspension or Removal of Board Members/ Chairman** - The
16 President, upon the recommendation of the Commission after due process and administrative
17 investigation conducted by the Commission, may remove or suspend a chairman or member
18 of the Board on any of the following grounds:

- 19 a) gross neglect, incompetence or dishonesty in the discharge of his/her duty;
20
21 b) violation of any of the causes/grounds and the prohibited acts provided in this Act and
22 the offenses in the Revised Penal Code, the Anti-Graft and Corruption Practices, and
23 other laws; and
24
25 c) manipulation or rigging of the licensure examination result for mining engineering,
26 disclosure of secret and confidential information on the examination questions prior to
27 the conduct thereof, or tampering of grades.
28

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

32

33

ARTICLE III

34

LICENSURE EXAMINATION AND REGISTRATION

35

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

- 37 a) Professional Mining Engineer
38
39 b) Registered Mining Engineer
40

1 c) Certified Mine Foreman

2

3 **SEC. 15. Examination Requirement.** - Except as otherwise specifically allowed
4 under this Act, all applicants for registration for the practice of mining engineering shall be
5 required to pass the licensure examination prescribed herein.

6

7 **SEC. 16. Holding of Examination.** - Examination of candidates applying for
8 registration as Registered Mining Engineer shall be given at least once a year on the date and
9 venue prescribed by the Commission and such examination shall be conducted by the Board.

10

11 **SEC. 17. Scope of Examination for Registered Mining Engineer.** - In the licensure
12 examinations for Registered Mining Engineer, the scope of examinations, methods and
13 procedures shall be prescribed by the Board. The licensure examination shall cover, but shall
14 not be limited to, the following subjects:

15 a) Mathematics (algebra, trigonometry, integral and differential calculus, probability and
16 statistics, advanced mathematical engineering);

17

18 b) Engineering science and applied subjects (statics, dynamics, strength of materials,
19 fluid mechanics, materials science, chemistry and physics);

20

21 c) Geology and Metallurgy; and

22

23 d) Mining Engineering, Economics, Environment, Laws and Ethics.

24

25 The Board, in consultation with the Accredited Professional Organization (APO) and
26 subject to approval by the Commission, may revise or exclude any of the subjects and their
27 syllabi, and add new ones as the need arises to conform to technological changes brought
28 about by continuing trends in the profession. *Provided*, That a detailed syllabi of the above
29 examinations covering the whole aspects of the mine engineering profession and practice
shall be prepared by the Board.

30

31 **SEC. 18. Qualifications of Applicants for Registered Mining Engineer.** - Any
32 person applying for licensure examination as Registered Mining Engineer shall establish to
33 the satisfaction of the Board that:

34 a) he/she is a citizen of the Philippines or a foreign citizen whose country has reciprocity
35 agreement with the Philippines;

36

37 b) he/she must be at least twenty one (21) years old;

38

39 c) he/she holds the degree of Bachelor of Science in Mining Engineering (BSME) from
40 a university, school, college, academy, or institute duly constituted and recognized as
41 such by the government; and

42

- 1 d) he/she must not have been convicted by a court of law of a crime involving moral
2 turpitude.
3

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

- 7 a) Professional Mining Engineer - The granting of Certificate of Registration to
8 Professional Mining Engineers shall be testimonial in nature. Candidates for
9 certification shall be nominated by the accredited professional association who shall
10 evaluate, attest and certify to the credentials of applicants to include, but not be
11 limited to, an enumeration of experience and presentation of a mining engineering
12 report or technical paper pertinent to his/her line of experience.
13
14 b) Certified Mine Foreman - The granting of Certificate of Registration as Certified
15 Mine Foreman shall be upon the nomination of the accredited professional association
16 who shall evaluate, testify and certify to the qualification of applicants through oral
17 examinations on specific subject such, as but not limited to, mining operations,
18 drilling and blasting, mine safety, environmental protection and pertinent mine rules
19 and regulations.

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

- 24 a) he/she is a citizen of the Philippines or a foreign citizen whose country has reciprocity
25 agreement with the Philippines;
26
27 b) he/she has a valid certificate of registration as Registered Mining Engineer and a
28 holder of a valid Professional Identification Card;
29
30 c) he/she has graduated from an engineering school or college of recognized standing,
31 after completing an approved course in mining engineering;
32
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
36 e) he/she holds at least one certificate of specialization in mine engineering as specified
37 under Section 26 thereof; and
38
39 f) he/she must not have been convicted by a court of law of a crime involving moral
40 turpitude;

41
42 **SEC. 21. *Qualifications of Applicants for Mine Foreman*** - Any person applying for
43 a Certificate of Registration as Mine Foreman shall establish to the satisfaction of the Board
44 that:

- 1 a) he/she is a Filipino citizen and at least twenty-one (21) years old;
2
3 b) he/she is of good reputation and moral character;
4
5 c) he/she is a graduate of a Mine Foreman course from a mining school or institute duly
6 accredited by the government and has at least ten (10) years actual experience in
7 mining;
8
9 d) he/she is a graduate of Mining Engineering from a government-recognized school,
10 university, institute or college with at least five (5) years of actual experience in
11 mining; and
12
13 e) he/she is a college graduate with at least fifteen (15) years of actual experience in
14 mining; and he/she is competent to be a mine or quarry foreman as certified and
15 attested to by the accredited professional association of mining engineers.

16
17 **SEC. 22. Examination Fees** - Any applicant admitted to take mining engineering
18 examinations shall pay such fees as may be prescribed by the Commission before he/she is
19 allowed to take the examination.

20
21 **SEC. 23. Rating in the Licensure Examination.** - To pass the licensure examination
22 for mining engineering, a candidate must obtain a general or weighted average of no less than
23 seventy per centum (70%) and a rating of no less than fifty per centum (50%) in any
24 examination subject.

25
26 **SEC. 24. Report of Ratings.** - The Board shall complete the correction of
27 examination papers within three (3) days from the last day of examinations. The Commission
28 shall report the rating of examinees not more than thirty (30) days after the Board has
29 completed the correction of examination papers.

30
31 **SEC. 25. Issuance of Certificates of Registration and Professional Identification**
32 **Card.** - A certificate of registration shall be issued to those who are registered subject to
33 payment of fees prescribed by the Commission. It shall bear the signatures of the Chairperson
34 of the Commission and of the Chairman and members of the Board, stamped with the official
35 seal of the Commission and of the Board, certifying that the person named therein is entitled
36 to the practice of the profession with all the privileges appurtenant thereto. Until withdrawn,
37 revoked, or suspended in accordance with this Act, it shall remain in full force and effect.

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

41

1 **SEC. 26. Issuance of Certificates of Specialization.** - Upon the nomination of the
2 accredited professional association of mining engineers, the Board shall issue a Certificate of
3 Specialization to an applicant who is a registered mining engineer and who has specialized
4 knowledge, training and experience in a specific field of mining and has documented his/her
5 expertise and competence on the same.

6
7 **SEC. 27. Seal of Professional and Registered Mining Engineer.** - A Professional or
8 Registered Mining Engineer, upon registration and payment of fees and dues to the
9 Commission, shall obtain a seal of such design prescribed by the Board, bearing the
10 registrant's name, certificate number and the legend "Professional Mining Engineer" or
11 "Registered Mining Engineer". Designs, plans, specifications, project pre-feasibility and
12 feasibility studies, appraisals, valuations, recommendations, technical reports, proposals, and
13 other professional documents involving mines, quarries, colliery works, projects or
14 installations shall be stamped on every sheet with the said seal of the registrant when filed
15 with government authorities or when submitted or used professionally: *Provided*, That it shall
16 be unlawful for anyone to stamp or seal any document with the said seal after the certificate
17 and/ or professional identification card shall have been revoked, cancelled or expired.

18
19 **SEC. 28. Fees for Registration.** - Every person issued a Certificate of Registration
20 shall pay to the Commission such fees as the Commission may prescribe.

21
22 **SEC. 29. Issuance of Temporary Permits.** - Temporary Permits shall be issued to the
23 following upon proper application with the Board:

- 24 a) Foreign Mining Engineers, recognized as experts in their specific fields of mining
25 engineering, called in by the Republic of the Philippines for consultation or for
26 specific design, installation or project: *Provided*, That their practice shall be confined
27 to such work only;
28
29 b) Foreign Mining Engineers who have distinguished themselves in their respective
30 fields of specialization, contracted as professors or lecturers on mining engineering
31 subjects by Philippine schools, or colleges, institutes or universities on a direct hire or
32 exchange basis, subject to verification of credentials by the Board: *Provided*, That all
33 the above shall secure the temporary Permit from the Board prior to arrival in the
34 country

35
36 **SEC. 30. Refusal to Register.** - The Board shall not register any successful applicant
37 for registration who has been:

- 38 a) convicted of an offense involving moral turpitude by a court of competent
39 jurisdiction;
40
41 b) found guilty of immoral or dishonorable conduct by the Board;
42

- 1 c) summarily adjudged guilty for violation of the General Instruction to Examinees by
2 the Board; and
3
4 d) declared of unsound mind by the court of competent jurisdiction. In refusing such
5 registration, the Board shall give the applicant a written statement setting forth the
6 reasons therefor and shall file a copy thereof in its records.

7
8 **SEC. 31. *Revocation or Suspension of the Certificates of Registration and***
9 ***Cancellation of Temporary Permit.*** - The Board shall have the power, upon notice of
10 hearing, to revoke or suspend the certificate of registration of a Registered Mining Engineer
11 or to cancel a temporary permit granted to a foreign mining engineer, for violation of any of
12 the grounds or causes in Sec. 28 of this Act and any of the following grounds:

- 13 a) violation of a provision of this Act, its Implementing Rules and Regulations, Code of
14 Ethics, and Code of Professional and Technical Standards for the practice of mining
15 engineering;
16
17 b) perpetration or use of fraud in obtaining in obtaining his/her certificate of registration,
18 professional identification card, or temporary permit;
19
20 c) gross incompetence, negligence or ignorance resulting to death, injury or damage;
21
22 d) any act of misrepresentation in connection with an alleged performance of mining
23 engineering activities;
24
25 e) acts inimical to the mining engineering profession;
26
27 f) gross immorality;
28
29 g) conviction by final judgment of any act involving moral turpitude;
30
31 h) allowing the use of his/her certificate of registration and/or professional card or
32 his/her temporary permit for illegal mining operations;
33
34 i) illegally practicing the profession during his/her suspension from the practice thereof;
35
36 j) knowingly engaging in a mining operation whether large, medium or small-scale, for
37 which no mining permit has been issued by the Government;
38
39 k) knowingly participating in a mining operation that is destructive to the environment or
40 managing or supervising a mine without an environmental permit;
41
42 l) use of a professional title, not authorized by this Act, in the practice of mining
43 engineering;
44
45 m) use of mineral reporting codes/standards, engineering or technical standards/codes for
46 mining engineering not authorized under the provisions of this Act; and
47

1 n) addicted to a drug or alcohol abuse impairing his/her ability to practice his/her
2 profession or declared with an unsound mind by a court of competent jurisdiction;

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

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

14
15 **SEC. 32. Reissuance of Revoked Certificate of Registration and Replacement of**
16 **Lost Certificate of Registration and Professional Identification Card.** - The Board may,
17 after two (2) years from the date of revocation of the Certificate of Registration, reissue a
18 certificate upon proper application.

19 A new Certificate of Registration and Professional Identification Card or temporary
20 permit, which has been lost, destroyed or mutilated, may be reissued after payment of the
21 required fee prescribed by the Commission.

22
23 **SEC. 33. Mining Engineers Required in Mines** - The following functions and
24 responsibilities shall be discharged by respective mining engineer categories:

25 a) Professional Mining Engineers - Senior mine management functions in mines,
26 consultants, professors of major mining subjects, senior government officials.

27
28 b) Registered Mining Engineers- Junior mine management functions in mines, senior
29 management functions in small scale mines, lecturers, assistant professors of
30 professional major mining subjects, junior government personnel: *Provided*, That the
31 definition and scope of senior and junior management positions shall be stipulated in
32 the Implementing Rules and Regulations (IRR) of this Act and consistent with the
33 minimum personnel compliment as provided under RA 7942, otherwise known as the
34 New Mining Act, and its IRR.

35 ARTICLE IV

36 PRACTICE OF MINING ENGINEERING

37
38 **SEC. 34. Prohibition from Practicing Mining Engineering.** - No person shall
39 practice mining engineering in the Philippines without having been previously registered as a

1 Professional or Registered Mining Engineer or granted a temporary permit under the
2 provisions of this Act.

3
4 **SEC. 35. No Other Professional Titles Allowed.** - No other professional title shall be
5 used by any Professional or Registered Mining Engineer except those allowed by this Act and
6 no private institution or Government Agency, including Government-Owned or Controlled
7 Corporations, shall grant or allow the use of any other professional title for Professional or
8 Registered Mining Engineers except those provided by this Act.

9 No Professional or Registered Mining Engineer shall use titles such as Competent
10 Person, Qualified Person, APEC Engineer, ASEAN Engineer, or similar titles unless the
11 same are authorized by law. All existing professional titles currently being used as of the
12 effective date of this Act which are not authorized by law are hereby revoked.

13
14 **SEC. 36. Engineering and Technical Standards, Mineral Reporting Codes.** - No
15 Private or Government Institution/Agency, including Government-Owned and Controlled
16 Corporations shall formulate and adopt Engineering and Technical Standards, Mineral
17 Reporting Codes or similar standards or codes of Practice for Professional or Registered
18 Mining Engineers without the prior written approval of the Professional Regulations
19 Commission upon the recommendation of the Board of Mining Engineering and a two-thirds
20 (2/3) vote of all Professional and Registered Mining Engineers in good standing with the
21 PRC in a general membership meeting of the Accredited Professional Organization,
22 supervised by the Commission and specifically called for the purpose.

23 All engineering and technical standards and mineral reporting codes currently being
24 implemented but is not duly approved pursuant to this section are hereby revoked

25
26 **SEC. 37. Who May Practice Mining Engineering.** - Except as may be otherwise
27 provided in this Act, only persons properly licensed and registered may practice mining
28 engineering in the country. No firm, partnership, corporation or association may be licensed
29 and registered as such for the practice of mining engineering. Duly licensed professional
30 mining engineers and/or registered mining engineers may form partnerships among
31 themselves and use the title "Mining Engineers" or "Professional Mining Engineers", or
32 "Engineers" in their partnership name.

33
34 **SEC. 38. Automatic Admission.** - All Registered Mining Engineers who are in good
35 standing with the Commission at the time this Act takes effect, shall automatically be
36 registered under this Act as Professional Mining Engineers by the Commission and/or the
37 Board of Examiners for Mining Engineering upon submission to the Commission of the
38 following:

39 a) Sworn Statement that:

40
41 i. he/she is a citizen of the Philippines and has been a resident of the Philippines
42 for ten (10) continuous years prior to the effectivity of this Act; and

1. ii. he/she has a record often (10) years or more of active and continuous mining
2 engineering practice prior to his/her registration as Professional Mining
3 Engineer as indicated in a list to be attached to the Sworn Statement;
4 b) Clearance from the Philippine National Police (PNP), Barangay, National Bureau of
5 Investigation (NBI), Ombudsman, Sandiganbayan and Provincial/City Prosecutor;
6 and
7
8 c) Letter of Intent to the Commission indicating his/her intention to avail of this
9 privilege under this Act.

10 Upon submission of all of the above requirements, the Commission shall execute the
11 ministerial function of forthwith issuing a Certificate of Registration as Professional Mining
12 Engineer to the applicant Registered Mining Engineer together with the Professional Mining
13 Engineer Identification card without any further conditions.

14 Except as provided for under this Section, the Commission and/or the Board of
15 Mining Engineering shall not impose any other additional requirements for automatic
16 registration as Professional Mining Engineers.

17 All Registered Mining Engineers shall avail of the privilege granted under this
18 Section within three (3) years from the effectivity of this Act.

19

20 **SEC. 39. Roster of Engineers and Foremen.** - A roster showing the names,
21 registration numbers and dates of issue and expiry, current addresses, place of business of all
22 Professional and Registered Mining Engineers and Certified Mine Foremen, shall be prepared
23 and kept by the Commission which shall be made available to interested parties upon formal
24 written request.

25

26 **SEC. 40. Foreign Reciprocity.** - No foreign mining engineer shall be granted any of
27 the right and privilege under this Act unless the country of which he/she is a subject or citizen
28 grants the same or similar rights or privileges to Filipino mining engineers.

29

30 **SEC. 41. Indication of License and Professional Tax Receipt.** - The Professional or
31 Registered Mining Engineer shall be required to indicate his/her Professional License
32 number, the duration of validity, including the professional tax receipt number on the
33 documents he/she signs, uses or issues in connection with the practice of his/her profession.

34 **SEC. 42. Posting of Certificates.** - The owner, manager or other person in charge of
35 any mine or quarry operation of a firm, co-partnership, company, corporation, or joint stock
36 association, shall post or cause to be posted in conspicuous place within the premises of such
37 mines, the certificate of registration of Professional and Registered Mining Engineers and
38 Certified Mine Foremen employed therein.

39

1 **SEC. 43. *Integration of the Mining Engineering Profession.*** - The mining
2 engineering profession shall be integrated into one (1) national organization of mining
3 engineers that is duly registered with the Securities and Exchange Commission (SEC). The
4 Board, subject to approval by the Commission, shall accredit the said organization as the one
5 and only integrated and accredited professional organization (APO) of mining engineers. All
6 mining engineers whose names appear in the Registry Book of Mining engineers shall *ipso*
7 *facto* or automatically become members thereof and shall receive therefrom all the benefits
8 and privileges upon payment of APO membership fees and dues.

9 Membership in the integrated accredited professional organization shall not be a bar
10 to membership in other mining engineering associations.
11

12 **ARTICLE V**

13 **PENAL AND GENERAL PROVISIONS**
14

15 **SEC. 44. *Penal Clause.*** - Any person who shall practice mining engineering in the
16 Philippines as defined in this Act without a certificate of registration in accordance with the
17 provisions of this Act, or any person presenting or using as his/her own the certificate of
18 registration of another, or any person who shall give any false or forged evidence, or any
19 person who shall impersonate any registrant of like or different name, or any person who
20 shall use a revoked or suspended certificate of registration, or any person who shall assume,
21 use, or advertise any title or description tending to convey the impression that he/she is a
22 mining engineer without being registered as such, or is engaged in the mining engineering
23 practice, without holding a valid certificate of registration from the Board or any Professional
24 or Registered Mining Engineer who shall use any other professional title such as Competent
25 Person, Qualified Person, APEC Engineer, ASEAN Engineer or similar titles not authorized
26 by law, or adopt/use engineering and technical standards, mineral reporting codes or similar
27 standards not authorized by this ACT, shall, upon conviction, be sentenced to a fine of not
28 less than One Million Pesos (Php 1,000,000.00) nor more than Ten Million Pesos (Php
29 10,000,000.00) or imprisonment of not less than one (1) month nor more than five (5) years
30 or both at the discretion of the Court.

31 In the event that officials and employees of the Professional Regulations Commission
32 and/or of the Board of Mining Engineering, including the Chairman, Commissioners and
33 Members of the Board of Examiners or any other officer/s and/or employee/s of the
34 Philippine Government violate this Act, they shall upon, conviction, suffer a penalty double
35 the above penalties.

36 **SEC. 45. *Act Not Affecting Other Professions.*** - This Act shall not affect or prevent
37 the practice of any other legally recognized profession.
38

39 **SEC. 46. *Enforcement of the Act by the Officers of the Law.*** - The Board shall be
40 assisted by the Commission in carrying out the provisions of this Act and its implementing
41 rules and regulations and other policies. The lawyers of the Commission shall act as the

1 prosecutors against illegal practitioners and other violations of this Act and its rules. The duly
2 constituted authorities of government shall likewise assist the Board and the Commission in
3 enforcing the provisions of this Act and its rules.

4

5 **SEC. 47. *Implementing Rules and Regulations.*** - Subject to the approval of the
6 Commission, the Board shall adopt and promulgate such implementing rules and regulations
7 and the Code of Ethics and Code of Professional and Technical Standards of Mining
8 Engineers to carry out the provisions of this Act, which shall be effective after thirty (30)
9 days following their publication in the Official Gazette or in a major newspaper of general
10 circulation.

11

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

14

15 **SEC. 49. *Repealing Clause.*** - R.A. 4274, as amended, is hereby repealed and all
16 other laws, parts of law, orders, ordinances, or regulations relative to the practice of mining
17 engineering which are inconsistent with the provisions of this Act are hereby repealed or
18 modified accordingly.

19

20 **SEC. 50. *Effectivity Clause.*** - This Act shall take effect fifteen days following its
21 publication in the Official Gazette or in at least two (2) major daily newspaper of general
22 circulation in the Philippines.

Approved,