

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

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SENATE

S. No. 317

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

EXPLANATORY NOTE

The geology profession has become even more vital in the current climate of intensive search for energy sources, mineral resource development, mitigating natural hazards, geotechnical studies for infrastructures, and environmental planning and monitoring. Hence, this bill seeks to make geology education and practice more attuned to global standards and at the same time protect the practice of the profession in the country from unqualified foreign professionals.

This bill seeks to repeal the 40-year old Republic Act No. 4209, otherwise known as the *Geology Profession Law of the Philippines*, and to enact a new law governing the practice of geology profession in the Philippines which is more relevant to contemporary conditions and challenges.

This bill also seeks to clearly define and delineate the scope of the geological profession especially with respect to allied fields such as mining and metallurgical engineering. Moreover, it addresses the Board of Geology's authority in the conduct of the education, examination, and licensing of geologists.

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


ANTONIO "SONNY" F. TRILLANES IV
Senator

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

SENATE

S. No. 317

OFFICE OF THE CLERK
10 JUL -6 (P. 370)

RECEIVED IN [Signature]

Introduced by Senator Antonio "Sonny" F. Trillanes IV

AN ACT
REGULATING THE PRACTICE OF GEOLOGY IN THE PHILIPPINES,
REPEALING FOR THE PURPOSE REPUBLIC ACT NUMBERED FOUR
THOUSAND TWO HUNDRED NINE (R.A. NO. 4209), OTHERWISE KNOWN
AS "GEOLOGY PROFESSION ACT 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

SECTION 1. *Title.* – This Act shall be known as the "Geology Profession Act of 2010."

SEC. 2. *Statement of Policy.* – It is hereby declared the policy of the State to supervise and regulate the practice of geology which is vital to national development; upgrade geology education and the quality of geologists whose standards of professional practice 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, the following:

- (a) the examination, registration, and licensure of geology profession;

- 1 (b) the supervision, control and regulation of the practice of geology;
- 2 (c) the development and upgrading of the curriculum of the geology profession;
- 3 (d) the development of the professional competence of geologists through continuing
- 4 professional education; and
- 5 (e) the integration of the geology profession.

6

7 **SEC. 4. *Definition of Terms.*** – As used in this Act, the following terms shall

8 mean as follows:

- 9 (a) “Practice of geology” shall mean the offering or rendering of services of any of
- 10 the specialized branches of geology for a fee, reward or compensation, paid to
- 11 him/her or through another person or persons, or even without such reward or
- 12 compensation;
- 13 (b) “Board” shall mean the Board of Geology;
- 14 (c) “Accredited Professional Association (APO)” shall mean the professional
- 15 organization duly accredited by the Professional Regulatory Board of Geologists
- 16 and the Professional Regulation Commission;
- 17 (d) “Continuing Professional Education (CPE)” shall mean the inculcation,
- 18 assimilation and acquisition of knowledge, skills, proficiency and ethical and
- 19 moral values, after the initial registration of a professional that raise and enhance
- 20 the professional’s technical skills and competence.

21

22 **SEC.5. *Scope of Practice.*** – A person shall be deemed to be practicing geology or

23 rendering geological service in government, industry and the academe when he/she

24 undertakes geological work for a fee, salary or remuneration. The scope of practice of a

25 geologist shall include, but not be limited, to the following:

- 26 (a) General geological survey of mapping, whether onshore or offshore, to identify
- 27 different types of rocks, geologic structures, metalliferous and non-metalliferous

- 1 mineral deposits and/or energy resources such as petroleum, gas, coal, geothermal
2 systems as well as ground water resources;
- 3 (b) Mineral exploration for metalliferous and non-metalliferous mineral resources and
4 ore reserves outside active mining areas and/or mine exploration to locate
5 extensions or orebodies inside mine operating areas;
- 6 (c) Geological exploration for energy resources like petroleum, gas and coal, and/or
7 geothermal resources;
- 8 (d) Study of geohazards due to faulting, volcanism, ground subsidence, groundwater
9 pollution, weathering and erosion; their characteristics, and impact to the
10 environment;
- 11 (e) Hydrogeological studies which include search for underground water resources,
12 and determining their characteristics, location, depth and volume, including
13 groundwater vulnerability assessment;
- 14 (f) Investigation and study of the physical and geo-mechanical characteristics of
15 rocks and soils;
- 16 (g) Gathering, processing and evaluation of geologic data for environmental
17 assessment and management, including conservation and bio-diversity projects;
18 and
- 19 (h) Data processing, petrology, mineragraphy and laboratory studies that require
20 geological knowledge essential in data interpretation and in the preparation of
21 geological report;
- 22 (i) Preparation of geological reports in accordance with best practices and applicable
23 laws and regulations;
- 24 (j) Teaching of geological subjects in any academe program leading to a professional
25 degree, including refresher and review courses; and
- 26 (k) Other geologic work or service which, in the assessment and opinion of the
27 Board, constitutes the practice of Geology.

- 1 (f) To inquire into conditions affecting the practice of the profession and adopt
2 measures for the enhancement and maintenance of high professional, ethical and
3 technical standards. Pursuant thereto, the Board may inspect establishments where
4 geologists practice their profession such as mines, plants, offices and the like in
5 order to determine and enforce compliance with the provisions of this Act and
6 issue *Certificates of Compliance* for the purpose;
- 7 (g) In coordination with the Commission on Higher Education (CHED), inspect the
8 facilities, faculty, equipment and other aspects directly related to the geology
9 program of educational institutions;
- 10 (h) To adopt the Implementing Rules and Regulations (IRR) necessary for carrying
11 out the provisions of this Act;
- 12 (i) To adopt a Code of Ethics and a Code of Professional and Technical Standards for
13 the practice of *geology profession*;
- 14 (j) To investigate, in accordance with the rules on administrative investigation
15 promulgated by the Commission, violations of this Act and its Implementing
16 Rules and Regulations, the Code of Ethics and the Code of Professional and
17 Technical Standards for geologists, administrative policies, orders and issuances
18 promulgated by the Board;
- 19 (k) To issue *subpoena duces tecum* to secure the attendance of witness or the
20 production of documents in connection with administrative cases before the
21 Board;
- 22 (l) To hear and decide administrative cases filed against geologists and firms
23 employing the same. The hearing shall be presided by the Chairman or a member
24 of the Board with the assistance of an Attorney of the Commission. The decision
25 of the Boards may be appealed to the Commission and to the Court within fifteen
26 (15) days from notice, otherwise the decision shall become final and executory;
- 27 (m) To administer oaths in connection with the performance of its functions;

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

14

15 **SEC. 8. *Qualifications of the Chairman and Members of the Board.*** – The
16 chairman and members of the Board, at the time of the appointment shall be:

- 17 (a) A natural born citizen and resident of the Philippines;
- 18 (b) A holder of at least a bachelor's degree in geology as conferred by a university or
19 school of good standing, recognized and accredited by the Government;
- 20 (c) A registered Geologist with a valid certificate of registration and professional
21 identification card and an active practitioner for not less than ten (10) continuous
22 years prior to his/her appointment;
- 23 (d) A person who does not have any pecuniary interest, directly or indirectly in any
24 university, college, school or institution conferring an academic degree necessary
25 for the admission to the practice of geology, or institutions where review classes
26 in preparation for the licensure examinations for geologists are being officially

1 offered or conducted; nor shall he/she be a member of the faculty or of the
2 administration thereof prior to appointment to the Board, and

3 (e) A member of the Accredited Professional Association of Geology but not a
4 trustee or officer thereof.

5
6 **SEC. 9. *Terms of Office.*** – The chairman and every member of the Board shall
7 hold office for a term of three (3) years or until their successors shall have been duly
8 appointed. They may be reappointed for another term of three (3) years immediately after
9 the expiry of their term but in no case shall the whole term exceed six (6) years. Interim
10 vacancies shall be filled for the unexpired portion of the term only.

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

13
14 **SEC. 10. *Compensation of the Board.*** – The chairman and members of the Board
15 shall receive compensation and allowances comparable to that being received by the
16 chairman and members of other professional regulatory boards under the Commission as
17 provided for in the General Appropriations Act.

18
19 **SEC. 11. *Custodian of Records, Secretariat and Support*** – All records of the
20 Board, including applications for examinations, examination papers and results, minutes
21 of meetings, deliberations of administrative and other investigative cases involving the
22 Board shall be kept by the Commission. The Commission shall designate the Secretary of
23 the Board and shall provide secretariat and other support services to implement the
24 provisions of this Act.

25
26 **SEC. 12. *Grounds for Suspension or Removal of Board Members/Chairman.*** –
27 The President, upon the recommendation of the Commission after due process and

1 administrative investigation conducted by the Commission, may remove or suspend a
2 chairman or member of the Board on any of the following grounds:

- 3 (a) gross neglect, incompetence or dishonesty in the discharge of their duty;
- 4 (b) violation of any of the causes/grounds and the prohibited acts provided in this Act
5 and the offenses in the Revised Penal Code, the Anti-Graft and Corruption
6 Practices, and other laws; or
- 7 (c) manipulation or rigging of the results of the geology licensure examination,
8 disclosure of secret and confidential information on the examination questions
9 prior to the conduct thereof, or tampering of grades.

10
11 **SEC. 13. *Annual Report.*** – The Board shall submit an annual report to the
12 Commission after the close of each fiscal year giving detailed account of Board
13 proceedings during the year and embodying such recommendations as the Board may
14 desire to make.

15
16 **ARTICLE III**

17 **LICENSURE EXAMINATION AND REGISTRATION**

18 **SEC. 14. *Passing of Licensure Examination Requirement.*** – Except as
19 otherwise specifically allowed under this Act, applicants for registration for the practice
20 of geology shall be required to pass a licensure examination as provided for in this Act.

21
22 **SEC. 15. *Holding of Examination.*** – Examination of candidates applying for
23 registration as geologist shall be given at least once a year in such places and dates as the
24 commission may designate in accordance with the provisions of Republic Act No. 8981,
25 otherwise known as the PRC Modernization Act.

1 **SEC. 16. *Scope of Examination.*** – In the licensure examination for geologist, the
2 scope of examinations, methods and procedures shall be prescribed by the Board. The
3 licensure examination shall cover, but shall not be limited to, the following subjects:

- 4 (a) General Geology;
- 5 (b) Petrology and Mineralogy; and
- 6 (c) Applied Geology.

7 The Board, subject to approval by the Commission, may revise or exclude any of
8 the subjects and their syllabi, and add new ones as the need arises to conform to
9 technological changes brought about by continuing trends in the profession: *Provided,*
10 That a detailed syllabi of the above examinations covering the whole aspects of the
11 geology profession and practice shall be prepared by the Board.

12
13 **SEC. 17. *Qualifications for Examinations.*** – The qualifications required for
14 applicants to the licensure examination for Geology are the following:

- 15 (a) He/she is a citizen of the Philippines or a foreign citizen whose country has
16 reciprocity agreement with the Philippines;
- 17 (b) A graduate of a school, institute, college or university recognized by the
18 Government and has been conferred the degree of Bachelor of Science in
19 Geology;
- 20 (c) Has good moral character; and
- 21 (d) Has not been convicted by a court of competent jurisdiction of an offense
22 involving moral turpitude.

23 **SEC. 18. *Examination Fees.*** – Any applicant admitted to take the geology
24 licensure examination shall pay such fees as may be prescribed by the Commission
25 before he/she is allowed to take the examination.

1 **SEC. 19. *Rating in the Licensure Examination.*** – To pass the licensure
2 examination for geology, a candidate must obtain a general weighted average of no less
3 than seventy per centum (70%) and a rating of no less than fifty per centum (50%) in any
4 examination subject.

5
6 **SEC. 20. *Report of Ratings.*** – The Board shall complete the correction of
7 examination papers within three (3) days from the last day of examinations. The
8 Commission shall report the rating of examinees not more than ten (10) days after the
9 Board has completed the correction of examination papers.

10
11 **SEC. 21. *Issuance of Certificates of Registration and Professional***
12 ***Identification Card.*** – A certificate of registration shall be issued to those who are
13 registered with or without licensure examination subject to payment of fees prescribed by
14 the Commission. It shall bear the signatures of the Chairperson of the Commission and of
15 the chairman and members of the Board, stamped with the official seal of the
16 Commission and of the Board, certifying that the person named therein is entitled to the
17 practice of the profession with all the privileges appurtenant thereto. Until withdrawn,
18 revoked, or suspended in accordance with this Act, it shall remain in full force and effect.

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

22
23 **SEC. 22. *Issuance of Certificates of Specialization.*** – Upon nomination of the
24 accredited professional organization of geology, the Board shall issue a Certificate of
25 Specialization to an applicant who is a registered geologist and who has specialized
26 knowledge, training and experience in a specific field of geology and has documented
27 his/her expertise and competence on the same.

1 **SEC. 23. Seal of a Registered Geologist.** – Every geologist shall, upon
2 registration, obtain a seal as prescribed by the Board. Plans, specifications, reports, and
3 other professional documents prepared by or executed under the supervision of and
4 issued by the registrant shall be stamped on every sheet with the said seal when filed
5 officially or when submitted for professional use.

6
7 **SEC. 24. Fees for Registration.** – Every person issued a Certificate of
8 Registration shall pay to the Commission such fees as the Commission may prescribe.

9
10 **SEC. 25. – Issuance of Temporary/Special Permits.** – Temporary/special permits
11 shall be issued to the following upon proper application with the Board:

12 (a) foreign geologists, recognized as experts in their specific fields of geology, called
13 in by the Republic of the Philippines for consultation or for specific design,
14 installation or project: *Provided*, That their practice shall be confined to such
15 work only;

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

20 (c) foreign geologists who are duly registered under bilateral or multilateral
21 agreements where the Philippines is a signatory.

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

24
25 **SEC. 26. Exemption from Licensure Examination.** – A graduate of Doctor of
26 Philosophy (Ph.D.) in Geology or an equivalent degree in any of the specialized branch
27 of Geology from a duly recognized university shall be exempted from taking the

1 licensure examination upon evaluation of the Board. He/she shall be required to register
2 in the same manner as those who will pass the licensure examination.

3

4 **SEC. 27. *Refusal to Register.*** – The Board shall not register any successful
5 applicant for registration, with or without licensure examination, who has been;

6 (a) convicted of an offense involving moral turpitude by a court of competent
7 jurisdiction,

8 (b) found guilty of immoral or dishonorable conduct by the Board,

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

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

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

14

15 **SEC. 28. *Revocation or Suspension of the Certificate of Registration and***
16 ***Cancellation of Temporary/Special Permit.*** – The Board shall have the power, upon
17 notice of hearing, to revoke or suspend the certificate of registration of a registered
18 Geologist or to cancel a temporary/special permit granted to a foreign geologist, for any
19 of the grounds or causes enumerated in Sec. 27 of this Act, except in letter (c) thereof,
20 and for any of the following grounds:

21 (a) violation of a provision of this Act, its IRR, Code of Ethics, and Code of
22 Professional and Technical Standards for the practice of geology;

23 (b) perpetration or use of fraud in obtaining his/her certificate of registration,
24 professional identification card, or temporary/special permit;

25 (c) gross incompetence, negligence or ignorance resulting to death, injury or damage;

26 (d) any act of misrepresentation in connection with an alleged performance of
27 geological activities;

- 1 (e) acts inimical to the geology profession;
- 2 (f) gross immorality;
- 3 (g) conviction by final judgment of any act involving moral turpitude;
- 4 (h) aiding or abetting the illegal practice of a non-registered and non-licensed
5 geologist by allowing him/her to use his/her certificate of registration and/or
6 professional identification card, or his/her special temporary permit;
- 7 (i) illegally practicing the profession during his/her suspension from the practice
8 thereof;
- 9 (j) addicted to a drug or alcohol abuse impairing his/her ability to practice his/her
10 profession, or declared with an unsound mind by a court of competent
11 jurisdiction.

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

21

22 **SEC. 29. *Re-issuance of Revoked Certificate of Registration and Replacement***
23 ***of Lost Certificate of Registration and Professional Identification Card.*** – The Board
24 may, after two (2) years from the date of revocation of the Certificate of Registration, re-
25 issue a certificate upon proper application.

1 A new Certificate of Registration and Professional Identification Card, or
2 temporary/special permit, which has been lost, destroyed or mutilated, may be re-issued
3 after payment of the required fee prescribed by the Commission.

4 5 **ARTICLE IV**

6 **PRACTICE OF GEOLOGY**

7
8 **SEC. 30. *Prohibition from Practicing Geology.*** – No person shall practice
9 *Geology or render geological service without a valid Certificate of Registration and a*
10 *valid professional identification card or granted a temporary/special permit.*

11
12 **SEC. 31. *Who May Practice Geology.*** – Except as may be otherwise provided in
13 *this Act, only persons properly licensed and registered may practice geology in the*
14 *country. Duly registered professional geologists may form partnerships among*
15 *themselves and use the title “Geologist” or “Registered Geologist” in their partnership*
16 *name.*

17
18 **SEC. 32. *Vested Rights.*** – All practicing geologists who are registered as
19 *geologist at the time of this Act takes effect shall automatically be registered under this*
20 *Act.*

21
22 **SEC. 33. *Foreign Reciprocity.*** – No foreign geologist shall be granted any of the
23 *rights and privileges under this Act unless the country of which he/she is a subject or*
24 *citizen grants the same or similar rights or privileges to Filipino geologists.*

25 **SEC. 34. *Indication of Certificate of Registration and Professional Tax Receipt.***
26 *– A registered geologist shall be required to indicate his/her Certificate of Registration*
27 *number, the duration of validity, including the professional tax receipt number on the*

1 documents he/she signs, uses or issues in connection with the practice of his/her
2 profession.

3
4 **SEC. 35. *Integration of the Geology Profession.*** – The geology profession shall
5 be integrated into one (1) national professional organization of geologists that is duly
6 registered with the Securities and Exchange Commission (SEC). The Board, subject to
7 approval by the Commission, shall accredit the said organization as the one and only
8 integrated and accredited professional organization (APO) of geologists. All geologists
9 whose names appear in the Registry Book of Geologists shall *ipso facto* or automatically
10 become members thereof and shall receive all the benefits and privileges appurtenant
11 thereto upon payment of APO membership fees and dues.

12 Membership in the integrated accredited professional organization shall not be a
13 bar to membership in other geology organizations.

14
15 **ARTICLE V**

16 **PENAL AND GENERAL PROVISIONS**

17 **SEC. 36. *Penal Clause.*** – Any person who shall practice geology in the
18 Philippines, as defined in this Act, without a certificate of registration in accordance with
19 the provisions of this Act, unless declared exempt from registration, or any person
20 presenting or using as his/her own the certificate of registration of another, or any person
21 who shall give any false or forged evidence, or any person who shall impersonate any
22 registrant of like or different name, or any person who shall use a revoked or suspended
23 certificate of registration, or any person who shall assume, use, or advertise any title or
24 description tending to convey the impression that he/she is a geologist without having
25 graduated as such, or is engaged in the geology practice, without holding a valid
26 certificate of registration from the Board shall, upon conviction, be sentenced to a fine of
27 not less than Ten Thousand Pesos (P10,000) but not more than One Million Pesos

1 (P1,000,000) or imprisonment of not less than one (1) month but not more than five (5)
2 years or both at the discretion of the Court.

3
4 **SEC. 37. *Act Not Affecting Other Professions.*** – This Act shall not affect or
5 prevent the practice of any other legally recognized profession.

6
7 **SEC. 38. *Enforcement of the Act by the Officers of the Law.*** – The Board shall
8 be assisted by the Commission in carrying out the provisions of this Act, its
9 implementing rules and regulations and other policies. The lawyers of the Commission
10 shall act as prosecutors against illegal practitioners and other violators of this Act and its
11 rules. The duly constituted authorities of government shall likewise assist the Board and
12 the Commission in enforcing the provisions of this Act and its rules.

13
14 **SEC. 39. *Implementing Rules and Regulation.*** – Subject to the approval of the
15 Commission, the Board shall adopt and promulgate such implementing rules and
16 regulations, the Code of Ethics, and the Code of Professional and Technical Standards of
17 Geologists to carry out the provisions of this Act which shall be effective thirty (30) days
18 following their publication in the *Official Gazette* or in a major newspaper of general
19 circulation.

20
21 **SEC. 40. *Funding Provisions.*** The Chairperson of the Professional Regulation
22 Commission shall immediately include in its programs the implementation of this Act, the
23 funding of which shall be included in the Annual General Appropriations Act.

24
25 **SEC. 41. *Transitory Provisions.*** –

26 (a) After the approval of this Act, all geologists possessing valid certificates
27 of registration issued under R.A. 4209 shall register with the Board and be issued

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

3 (b) Faculty Members currently teaching major geology subjects in
4 universities, colleges, institutes, or schools shall not be allowed to continue teaching after
5 five (5) years from the approval of this Act unless they are or they have become
6 registered geologists with valid certificates of registration and valid professional
7 identification cards.

8 (c) The incumbent chairman and members of the Board shall continue to
9 function as an interim Board until such time as a new Board shall be constituted under
10 this Act.

11

12 **SEC. 42. Separability Clause.-** If any section or portion of this Act shall be
13 declared unconstitutional or invalid, such shall not invalidate any other section of this
14 Act.

15

16 **SEC. 43. Repealing Clause. –** Republic Act No. 4209 is hereby repealed. All
17 other laws, parts of law, orders, ordinances, or regulations relative to the practice of
18 geology which are inconsistent with the provisions of this Act are hereby repealed or
19 modified accordingly.

20

21 **SEC. 44. Effectivity Clause.-** This Act shall take effect fifteen (15) days after its
22 publication in the *Official Gazette* or in at least two (2) national newspapers of general
23 circulation.

Approved,