

SENATE

S. NO. 290

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

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**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. This 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 which has 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, 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 in violation of the Philippine Constitution. Several private groups such as the APEC Engineer, of which the Professional Regulations Commission is a member, has also been issuing professional titles such as APEC Engineers while private groups have 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 tend to eliminate many of the rights and privileges already granted to them by RA 4274 or the Mining Engineering Act of 1965.

Likewise, 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

10 JUL -6 AM 59

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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 ENTITLED "*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  
GENERAL PROVISIONS

SECTION 1. *Title.* – This Act shall be known as the "*New Mining Engineering Act of 2010.*"

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; 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 but not limited to:

- (a) the examination, registration, and licensure of professional mining engineers, registered mining engineers and certified mine foremen;
- (b) the supervision, control and regulation 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:

(a) Practice of mining engineering shall mean the rendering or offering of mining engineering services for a fee, salary, reward or compensation, paid to him/her or

1 through another person or persons, or even without such reward or compensation.  
2 The term “practice of mining engineering” shall be synonymous to “rendering of  
3 mining engineering service”.

4 (b) Mine shall mean all kinds of excavations and/or extractions aimed at extracting  
5 minerals, materials, ores and/or energy resources for beneficial usage.

6 (c) Mineral/ore resource shall mean a concentration or occurrence of miner-  
7 als/materials of intrinsic economic interest in or on the earth’s crust in such form  
8 and quantity that there are reasonable prospects for eventual economic extraction.

9 (d) Mineral/ore reserve shall mean that portion of a mineral resource that is economi-  
10 cally mineable which, after the application of all mining factors, result in an esti-  
11 mated tonnage and grade, that based on the certification of the mining engineer  
12 making the estimates, can be the basis of a viable project after taking into account  
13 all relevant mining, metallurgical, processing, economic, marketing, legal, envi-  
14 ronmental, social and regulatory factors.

15 (e) Energy resources shall mean coal, gas, petroleum, geothermal fluids or radio-  
16 active minerals that can be mined or harnessed for the production of power and  
17 other beneficial usage.

18 (f) Mine installations shall mean surface, underground or underwater excavations  
19 that require knowledge of mining engineering.

20 (h) Mining engineer shall mean a person who is a holder of a valid Certificate of Reg-  
21 istration and Professional Identification Card issued by the Board of Mining En-  
22 gineering and the Professional Regulation Commission.

23  
24 **SEC. 5. *Scope of Practice.*** – A person shall be deemed to be practicing the profes-  
25 sion of mining engineering or rendering mining engineering services within the meaning  
26 and intent of this Act when he/she performs, but not limited to, any or all of the follow-  
27 ing:

28 (a) Management, engineering or supervisory positions in mines, mine installation or  
29 construction projects where knowledge in mining engineering is necessary in car-  
30 rying out such function.

31 (b) Calculation, estimation and certification of mineral and/or ore reserves, prepara-  
32 tion of mine pre-feasibility and feasibility studies; mine valuation, mine auditing,  
33 mine consulting, third party fairness opinion, third party mine audits and appraisal  
34 of mining machinery and equipment.

35 (c) Participation in the preparation of environmental studies for mining projects and  
36 monitoring under the Environmental Impact Assessment (EIA) system that calls  
37 for knowledge of mining engineering.

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

## 21 **ARTICLE II**

### 22 **CREATION OF THE PROFESSIONAL REGULATORY BOARD**

#### 23 **FOR MINING ENGINEERS**

24

25

26 **SEC. 6. *Composition of the Board of Mining Engineering.*** – There is hereby  
27 created a Professional Regulatory Board of Mining Engineering, hereinafter referred to as  
28 the Board, under the administrative control and supervision of the Professional Regula-  
29 tion Commission, hereinafter called as the Commission, composed of a Chairman and  
30 two (2) Members to be appointed by the President of the Philippines from among those  
31 recommended by the Commission from the nominees of the duly Accredited Professional  
32 Organization (APO) of mining engineers. The new Board shall be constituted three (3)  
33 months from the effectivity of this Act.

34

35 **SEC. 7. *Powers and Duties of the Board.*** – The Board shall have the following  
36 powers and duties:

- 37 (a) To supervise and regulate the practice of mining engineering profession;  
38 (b) To determine and evaluate the qualifications of the applicants for registration;

- 1 (c) To prescribe the subjects in the licensure examinations, determine the syllabi  
2 of the subjects and their relative weights, construct the test questions in the  
3 examinations, score and rate the examination papers, and submit the examina-  
4 tion results to the Commission;
- 5 (d) To issue together with the Commission, Certificates of Registration and Pro-  
6 fessional Identification Cards to applicants who have passed the licensure ex-  
7 aminations for registered mining engineers;
- 8 (e) To issue temporary permits to foreign mining engineers;
- 9 (f) To inquire into conditions affecting the practice of the profession and adopt  
10 measures for the enhancement and maintenance of high professional, ethical  
11 and technical standards. Pursuant thereto, the Board may inspect establish-  
12 ments where mining engineers practice their profession such as mines, plants,  
13 offices and the like in order to determine and enforce compliance with the  
14 provisions of this Act and issue Certificates of Compliance for the purpose;
- 15 (g) In coordination with the Commission on Higher Education (CHED), inspect  
16 the facilities, faculty, equipment and other aspects directly related to the min-  
17 ing engineering program of educational institutions;
- 18 (h) To adopt the Implementing Rules and Regulations (IRR) necessary for carry-  
19 ing out the provisions of this Act.
- 20 (i) To adopt a Code of Ethics, Reporting Codes and a Code of Professional and  
21 Technical Standards for the practice of the Mining Engineering profession;
- 22 (j) To investigate, in accordance with the rules on administrative investigation  
23 promulgated by the Commission, violations of this Act and its Implementing  
24 Rules and Regulations, the Code of Ethics and the Code of Professional and  
25 Technical Standards for mining engineers, administrative policies, orders and  
26 issuances promulgated by the Board;
- 27 (k) To issue *subpoena duces tecum* to secure the attendance of witnesses or the  
28 production of documents in connection with administrative cases before the  
29 Board;
- 30 (l) To hear and decide administrative cases filed against mining engineers and  
31 firms employing mining engineers. The hearing shall be presided by the  
32 chairman or a member of the Board with the assistance of an Attorney of the  
33 Commission. The Decision of the Board may be appealed to the Commission  
34 and to the Court within fifteen (15) days from notice, otherwise the decision  
35 shall become final and executory.
- 36 (m) To administer oaths in connection with the performance of its functions;
- 37 (n) To adopt an official seal and prescribe the seal of the mining engineering pro-  
38 fession;

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

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

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

36  
37 **SEC. 9. *Term of Office.*** – The Chairman and every member of the Board shall  
38 hold office for a term of three (3) years after the appointment or until their successors  
39 shall have been appointed and duly qualified. They maybe reappointed for another term

1 of three (3) years immediately after the expiry of their term but in no case shall the whole  
2 term exceed six (6) years. Interim vacancies shall be filled for the un-expired portion of  
3 the term only.

4 The Chairman and Members shall qualify by taking the proper oaths prior to assump-  
5 tion of office.

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

11  
12 **SEC. 11. *Custodian of Records, Secretariat and Support.*** – All records of the  
13 Board, including applications for examinations, examination papers and results, mi-  
14 nutes of meetings, deliberations of administrative and other investigative cases involving  
15 the Board shall be kept by the Commission. The Commission shall designate the Secre-  
16 tary of the Board and shall provide secretariat and other support services to implement  
17 the provisions of this Act.

18  
19 **SEC. 12. *Grounds for Suspension or Removal of Board Members/ Chairman*** –  
20 The President, upon the recommendation of the Commission after due process and ad-  
21 ministrative investigation conducted by the Commission, may remove or suspend a  
22 chairman or member of the Board on any of the following grounds:

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

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





- 1 (a) he/she is a citizen of the Philippines or a foreign citizen whose country has reci-  
2 procity agreement with the Philippines ;  
3 (b) he/she must be at least twenty one (21) years old;  
4 (c) he/she holds the degree of Bachelor of Science in Mining Engineering(BSEM)  
5 from a university, school, college, academy, or institute duly constituted and rec-  
6 ognized as such by the government; and  
7 (c) he/she must not have been convicted by a court of law of a crime involving moral  
8 turpitude.

9  
10 **SEC. 19. *Registration of Professional Mining Engineer and Certified Mine***  
11 ***Foreman.*** – ***Registration*** of the following categories of practice of mining engineering  
12 shall require no written licensure examinations.

13  
14 a) Professional Mining Engineer – The granting of Certificate of Registration to Pro-  
15 fessional Mining Engineers shall be testimonial in nature. Candidates for certifica-  
16 tion shall be nominated by the accredited professional association who shall eva-  
17 luate, attest and certify to the credentials of applicants to include, but not be limited  
18 to, an enumeration of experience and presentation of a mining engineering report or  
19 technical paper pertinent to his/her line of experience.

20  
21 b) The granting of Certificate of Registration as Certified Mine Foreman shall be  
22 upon the nomination of the accredited professional association who shall evaluate, testify  
23 and certify to the qualification of applicants through oral examinations on specific subject  
24 such, as but not limited to, mining operations, drilling and blasting, mine safety, envi-  
25 ronmental protection and pertinent mine rules and regulations.

26  
27 **SEC. 20. *Qualifications of Applicants for Professional Mining Engineer.*** – An ap-  
28 plicant for registration as Professional Mining Engineer must, at the time of filing of  
29 his/her application, establish to the satisfaction of the Board that:

- 30 (a) he/she is a citizen of the Philippines or a foreign citizen whose country has reci-  
31 procity agreement with the Philippines;  
32 (b) he/she has a valid certificate of registration as Registered Mining Engineer and a  
33 holder of a valid Professional Identification Card;  
34 (c) he/she has graduated from an engineering school or college of recognized stand-  
35 ing, after completing an approved course in mining engineering;  
36 (d) he/she has a specific record of a total ten (10) years or more of active and conti-  
37 nuous mining engineering practice prior to his/her registration;  
38 (e) he/she holds at least one certificate of specialization in mine engineering as spe-  
39 cified under Section 26 thereof; and

1 (f) he/she must not have been convicted by a court of law of a crime involving mor-  
2 al turpitude;

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

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

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

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

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

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

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

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

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

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

33  
34 **SEC. 25. *Issuance of Certificates of Registration and Professional Identifica-***  
35 ***tion Card***. – A certificate of registration shall be issued to those who are registered sub-  
36 ject to payment of fees prescribed by the Commission. It shall bear the signatures of the  
37 Chairperson of the Commission and of the Chairman and members of the Board, stamped  
38 with the official seal of the Commission and of the Board, certifying that the person  
39 named therein is entitled to the practice of the profession with all the privileges appurte-

1   nant thereto. Until withdrawn, revoked, or suspended in accordance with this Act, it shall  
2   remain in full force and effect.

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

6  
7           **SEC. 26. Issuance of Certificates of Specialization.** – Upon the nomination of  
8   the accredited professional association of mining engineers, the Board shall issue a Cer-  
9   tificate of Specialization to an applicant who is a registered mining engineer and who has  
10   specialized knowledge, training and experience in a specific field of mining and has  
11   documented his/her expertise and competence on the same.

12  
13           **SEC. 27. Seal of Professional and Registered Mining Engineer.** – A Profes-  
14   sional or Registered Mining Engineer, upon registration and payment of fees and dues to  
15   the Commission, shall obtain a seal of such design prescribed by the Board, bearing the  
16   registrant’s name, certificate number and the legend “Professional Mining Engineer” or  
17   “Registered Mining Engineer”. Designs, plans, specifications, project pre-feasibility and  
18   feasibility studies, appraisals, valuations, recommendations, technical reports, proposals,  
19   and other professional documents involving mines, quarries, colliery works, projects or  
20   installations shall be stamped on every sheet with the said seal of the registrant when  
21   filed with government authorities or when submitted or used professionally: *Provided*,  
22   That it shall be unlawful for any one to stamp or seal any document with the said seal af-  
23   ter the certificate and/ or professional identification card shall have been revoked or can-  
24   celled or expired.

25  
26           **SEC. 28. Fees for Registration.** – Every person issued a Certificate of Registra-  
27   tion shall pay to the Commission such fees as the Commission may prescribe.

28  
29           **SEC. 29. Issuance of Temporary Permits.** – Temporary Permits shall be issued  
30   to the following upon proper application with the Board:

31           (a) foreign Mining Engineers, recognized as experts in their specific fields of  
32           mining engineering, called in by the Republic of the Philippines for consulta-  
33           tion or for specific design, installation or project: *Provided*, That their practice  
34           shall be confined to such work only;

35           (b) foreign Mining Engineers who have distinguished themselves in their respec-  
36           tive fields of specialization, contracted as professors or lecturers on mining  
37           engineering subjects by Philippine schools, or colleges, institutes or universi-  
38           ties on a direct hire or exchange basis, subject to verification of credentials by  
39           the Board; and

1           *Provided*, That all the above shall secure the temporary Permit from the Board  
2 prior to arrival in the country.

3  
4           **SEC. 30. *Refusal to Register.*** – The Board shall not register any successful appli-  
5 cant for registration who has been:

- 6           (a) convicted of an offense involving moral turpitude by a court of competent ju-  
7            isdiction,  
8           (b) found guilty of immoral or dishonorable conduct by the Board,  
9           (c) summarily adjudged guilty for violation of the General Instruction to Exami-  
10           nees by the Board; and  
11           (d) declared of unsound mind by the court of competent jurisdiction.

12           *In refusing such registration, the Board shall give the applicant a written state-*  
13 *ment setting forth the reasons therefor and shall file a copy thereof in its records.*

14  
15           **SEC. 31. *Revocation or Suspension of the Certificates of Registration and Can-***  
16 ***cellation of Temporary Permit.*** – The Board shall have the power, upon notice of hear-  
17 ing, to revoke or suspend the certificate of registration of a Registered Mining Engineer  
18 or to cancel a temporary permit granted to a foreign mining engineer, for violation of any  
19 of the grounds or causes in Sec: 28 of this Act and any of the following grounds:

- 20           (a) violation of a provision of this Act, its Implementing Rules and Regulations,  
21            Code of Ethics, and Code of Professional and Technical Standards for the  
22            practice of mining engineering;  
23           (b) perpetration or use of fraud in obtaining in obtaining his/her certificate of reg-  
24            istration, professional identification card, or temporary permit;  
25           (c) gross incompetence, negligence or ignorance resulting to death, injury or  
26            damage;  
27           (d) any act of misrepresentation in connection with an alleged performance of  
28            mining engineering activities;  
29           (e) acts inimical to the mining engineering profession;  
30           (f) gross immorality;  
31           (g) conviction by final judgment of any act involving moral turpitude;  
32           (h) allowing the use his/her certificate of registration and/or professional card or  
33            his/her temporary permit for illegal mining operations;  
34           (i) illegally practicing the profession during his/her suspension from the practice  
35            thereof;  
36           (j) knowingly engaging in a mining operation whether large, medium or small-  
37            scale, for which no mining permit has been issued by the Government  
38           (k) knowingly participating in a mining operation that is destructive to the envi-  
39            ronment or managing or supervising a mine without an environmental permit

1 (l) use of a professional title, not authorized by this Act, in the practice of mining  
2 engineering

3 (m) use of mineral reporting codes/standards, engineering or technical stan-  
4 dards/codes for mining engineering not authorized under the provisions of this  
5 Act

6 (n) addicted to a drug or alcohol abuse impairing his/her ability to practice his/her  
7 profession or declared with an unsound mind by a court of competent juris-  
8 diction;

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

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

20  
21  
22 **SEC. 32. Reissuance of Revoked Certificate of Registration and Replacement of**  
23 **Lost Certificate of Registration and Professional Identification Card.** – The Board may,  
24 after two (2) years from the date of revocation of the Certificate of Registration, reissue a  
25 certificate upon proper application.

26 A new Certificate of Registration and Professional Identification Card or tempo-  
27 rary permit, which has been lost, destroyed or mutilated, may be reissued after payment  
28 of the required fee prescribed by the Commission.

29  
30 **SEC. 33. Mining Engineers Required in Mines** – The following functions and  
31 responsibilities shall be discharged by respective mining engineer categories:

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

34 (b) Registered Mining Engineers- Junior mine management functions in mines,  
35 senior management functions in small scale mines, lecturers, assistant profes-  
36 sors of professional major mining subjects, junior government personnel.

37 *Provided,* That the definition and scope of senior and junior management posi-  
38 tions shall be stipulated in the Implementing Rules and Regulations (IRR) of this Act and

1 consistent with the minimum personnel compliment as provided under RA 7942, other-  
2 wise known as the New Mining Act, and its IRR.

3  
4 **ARTICLE IV**  
5 **PRACTICE OF MINING ENGINEERING**  
6

7 **SEC. 34. *Prohibition from Practicing Mining Engineering.*** – No person shall  
8 practice mining engineering in the Philippines without having been previously registered  
9 as a Professional or Registered Mining Engineer or granted a temporary permit under the  
10 provisions of this Act.

11  
12 **SEC. 35. *No Other Professional Titles Allowed.*** – No other professional title  
13 shall be used by any Professional or Registered Mining Engineer except those allowed by  
14 this Act and no private institution or Government Agency, including Government-Owned  
15 or Controlled Corporations, shall grant or allow the use of any other professional title for  
16 Professional or Registered Mining Engineers except those provided by this Act.

17 No Professional or Registered Mining Engineer shall use titles such as Compe-  
18 tent Person, Qualified Person, APEC Engineer, ASEAN Engineer, or similar titles unless  
19 the same are authorized by law. All existing professional titles currently being used as of  
20 the effective date of this Act which are not authorized by law are hereby revoked.

21  
22 **SEC. 36. *Engineering and Technical Standards, Mineral Reporting Codes.*** –  
23 No Private or Government Institution/Agency, including Government-Owned and Con-  
24 trolled Corporations, shall formulate and adopt Engineering and Technical Standards,  
25 Mineral Reporting Codes or similar standards or codes of Practice for Professional or  
26 Registered Mining Engineers without the prior written approval of the Professional Regu-  
27 lations Commission upon the recommendation of the Board of Mining Engineering and a  
28 two-thirds(2/3) vote of all Professional and Registered Mining Engineers in good stand-  
29 ing with the PRC in a general membership meeting of the Accredited Professional Organ-  
30 ization, supervised by the Commission and specifically called for the purpose.

31  
32 All engineering and technical standards and mineral reporting codes currently be-  
33 ing implemented but is not duly approved pursuant to this section are hereby revoked.

34  
35 **SEC. 37. *Who May Practice Mining Engineering.*** – Except as may be otherwise  
36 provided in this Act, only persons properly licensed and registered may practice mining  
37 engineering in the country. No firm, partnership, corporation or association may be li-  
38 censed and registered as such for the practice of mining engineering. Duly licensed pro-  
39 fessional mining engineers and or registered mining engineers may form partnerships

1 among themselves and use the title "Mining Engineers" or "Professional Mining Engi-  
2 neers", or "Engineers" in their partnership name.

3  
4 **SEC. 38. *Automatic Admission.*** – All Registered Mining Engineers who are in  
5 good standing with the Commission at the time this Act takes effect, shall automatically  
6 be registered under this Act as Professional Mining Engineers by the Commission and/or  
7 the Board of Examiners for Mining Engineering upon submission to the Commission of  
8 the following:

9  
10 (a) Sworn Statement that:

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

14 ii. he/she has a record of ten (10) years or more of active and continuous  
15 mining engineering practice prior to his/her registration as Professional  
16 Mining Engineer as indicated in a list to be attached to the Sworn  
17 Statement;

18 (b) Clearance from the Philippine National Police (PNP), *Barangay*, National Bureau  
19 of Investigation (NBI), Ombudsman, *Sandiganbayan* and Provincial/City Prose-  
20 cutor.

21 (c) Letter of Intent to the Commission indicating his/her intention to avail of this pri-  
22 vilege under this Act;

23 Upon submission of all of the above requirements, the Commission shall the mi-  
24 nisterial function of forthwith issuing a Certificate of Registration as Professional Mining  
25 Engineer to the applicant Registered Mining Engineer together with the Professional  
26 Mining Engineer Identification card without any further conditions.

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

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

32  
33 **SEC. 39. *Roster of Engineers and Foremen.*** – A roster showing the names, reg-  
34 istration numbe5rs and dates of issue and expiry, current addresses, place of business of  
35 all Professional and Registered Mining Engineers and Certified Mine Foremen, shall be  
36 prepared and kept by the Commission which shall be made available to interested parties  
37 upon formal written request.

38





1 the mining engineering practice, without holding a valid certificate of registration from  
2 the Board or any Professional or Registered Mining Engineer who shall use any other  
3 professional title such as Competent Person, Qualified Person, APEC Engineer, ASEAN  
4 Engineer or similar titles not authorized by law, or adopt/use engineering and technical  
5 standards, mineral reporting codes or similar standards not authorized by this ACT, shall,  
6 upon conviction, be sentenced to a fine of not less than One Million Pesos (Php  
7 1,000,000.00) nor more than Ten Million Pesos (Php 10,000,000.00) or imprisonment of  
8 not less than one (1) month nor more than five (5) years or both at the discretion of the  
9 Court.

10 In the event that Officials and Employees of the Professional Regulations Com-  
11 mission and/or of the Board of Mining Engineering, including the Chairman, Commis-  
12 sioners and Members of the Board of Examiners or any other officer/s and/or employee/s  
13 of the Philippine Government violate this Act, they shall upon conviction, suffer a penal-  
14 ty double the above penalties.

15  
16 **SEC. 45. Act Not Affecting Other Professions.** – This Act shall not affect or pre-  
17 vent the practice of any other legally recognized profession.

18  
19 **SEC. 46. Enforcement of the Act by the Officers of the Law.** – The Board shall  
20 be assisted by the Commission in carrying out the provisions of this Act and its imple-  
21 menting rules and regulations and other policies. The lawyers of the Commission shall  
22 act as the prosecutors against illegal practitioners and other violations of this Act and its  
23 rules. The duly constituted authorities of government shall likewise assist the Board and  
24 the Commission in enforcing the provisions of this Act and its rules.

25  
26 **SEC. 47. Implementing Rules and Regulations.** – Subject to the approval of the  
27 Commission, the Board shall adopt and promulgate such implementing rules and regula-  
28 tions and the Code of Ethics and Code of Professional and Technical Standards of Mining  
29 Engineers to carry out the provisions of this Act, which shall be effective after thirty (30)  
30 days following their publication in the *Official Gazette* or in a major newspaper of gener-  
31 al circulation.

32  
33 **SEC. 48. Separability Clause.** – If any section or portion of this Act shall be de-  
34 clared unconstitutional or invalid, such shall not invalidate any other section of this Act.

35 **SEC. 49. Repealing Clause.** – R.A. 4274, as amended, is hereby repealed and all  
36 other laws, parts of law, orders, ordinances, or regulations relative to the practice of min-  
37 ing engineering which are inconsistent with the provisions of this Act are hereby repealed  
38 or modified accordingly.

1           **SEC. 50. *Effectivity Clause.*** – This Act shall take effect fifteen days following its  
2 publication in the Official Gazette or in a major daily newspaper of general circulation in  
3 the Philippines.

Approved,