

FOURTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session

8 JUL 28 AS 45

SENATE



RECEIVED BY

[Signature]

S.B. No. 2483

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

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

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technological advancement, the first law on metallurgical engineering, which is Presidential Decree 1536, was rendered outdated and ineffective in promoting and regulating the practice of the profession.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

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

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

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

LOREN LEGARDA


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AN ACT
REGULATING THE PRACTICE OF METALLURGICAL ENGINEERING IN
THE PHILIPPINES REPEALING FOR THIS PURPOSE PRESIDENTIAL
DECREE 1536, OTHERWISE KNOWN AS THE METALLURGICAL
ENGINEERING LAW OF 1978, AND FOR OTHER PURPOSES

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

Article I

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

1 **Section 1. Title.** - This Act shall be known as the "Metallurgical
2 Engineering Act of 2008."

3 **Sec. 2. Statement of Policy.** - The State recognizes the importance of
4 metallurgical engineers in nation building and development. Their talents
5 through sustainable human development shall be promoted. Thus, the State
6 shall develop and nurture competent, virtuous, productive and well-rounded
7 metallurgical engineers whose standards of professional practice and service
8 shall be excellent, world-class and globally competitive through regulatory
9 measures, programs and activities.

10 **Sec. 3. Objectives.** - This Act shall govern but shall not be limited to:
11 (a) the examination, registration, and licensure of metallurgical engineers;
12 (b) the supervision, control and regulation of the practice of metallurgical
13 engineering;
14 (c) the development and upgrading of the curriculum of metallurgical
15 engineering profession;
16 (d) the development of the professional competence of metallurgical
17 engineers through continuing professional education;
18 (e) and the integration of the metallurgical engineering profession.

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

3 a) "Practice of metallurgical engineering" means the offering or rendering of
4 services of any of the specialized branches of metallurgy for a fee, salary
5 or other reward or compensation, paid to him/her or through another
6 person, or even without such reward or compensation. The term shall be
7 synonymous with the term "rendering metallurgical engineering
8 services."

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

11 i) Mineral Processing and Extractive Metallurgy - The
12 preparation, separation, extraction and purification of ores,
13 metals and mineral products by physical and chemical method
14 such as ore dressing, pyrometallurgical processes such as
15 roasting, and smelting, hydrometallurgical processes such as
16 leaching, electrometallurgical processes such as electric smelting
17 and electrolysis and other similar processes.

18 ii) Adaptive and Physical Metallurgy - Processes which pertain to
19 the adaptation and application of metals such as melting,
20 casting, forging, rolling, extrusion, welding and other metal
21 working and finishing operations. These include unit
22 operations relating to the control of microstructure of metals
23 and its alloys such as the heat treatment and surface hardening,
24 quality control in allowing operations to meet specification of
25 metal alloys; and metallographic studies. These also apply to
26 powder, mechanical, nuclear and vacuum metallurgy.

27 iii) Fuel Technology - Fuel preparation processes such as washing,
28 flotation, and heavy media separation including carbonization,
29 gasification and cooking operations.

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

32 i) Preparation, separation, concentration of minerals, coal and
33 metallurgical fuels;

34 ii) Extraction of metals such as hydrometallurgical,
35 pyrometallurgical and electrometallurgical processes;

1 order to determine and enforce compliance with the provisions of this
2 Act and issue Certificates of Compliance for the purpose.

3 (g) In coordination with the Commission on Higher Education (CHED),
4 inspect the facilities, faculty, equipment and other aspects directly
5 related to the metallurgical engineering program of educational
6 institutions;

7 (h) To adopt the Implementing Rules and Regulations (IRR) necessary for
8 carrying out the provisions of this Act.

9 (i) To adopt a Code of Ethics and a Code of Professional and Technical
10 Standards for the practice of the metallurgical engineering profession;

11 (j) To investigate, in accordance with the rules on administrative
12 investigation promulgated by the Commission, violations of this Act
13 and its Implementing Rules and Regulations, the Code of Ethics and
14 the Code of Professional and Technical Standards for metallurgical
15 engineers, administrative policies, orders and issuances promulgated
16 by the Board;

17 (k) To issue *subpoena duces tecum* to secure the attendance of witnesses or
18 the production of documents in connection with administrative cases
19 before the Board;

20 (l) To hear and decide administrative cases filed against metallurgical
21 engineers and firms employing metallurgical engineers. The hearing
22 shall be presided by the chairman or a member of the Board with the
23 assistance of an attorney of the Commission. The decision of the Board
24 may be appealed to the Commission and to the Court within fifteen
25 (15) days from notice, otherwise the decision shall become final and
26 executory;

27 (m) To administer oaths in connection with the performance of its
28 functions;

29 (n) To adopt an official seal and prescribe the seal of the metallurgical
30 engineering profession;

31 (o) To submit an annual report on the proceedings and accomplishments
32 during the year and/or recommendations of the Board to the
33 Commission thirty (30) days after the close of each calendar year;

34 (p) To prosecute or institute criminal action against any violator of this Act
35 and/or the rules and regulations of the Board;

1 (q) To prescribe guidelines and criteria on the continuing professional
2 Education (CPE) program for metallurgical engineers in consultation
3 with the integrated and accredited professional organization of
4 metallurgical engineers; and

5 (r) To perform regulatory, administrative, and quasi-legislative functions
6 as mandated under R.A. 8981, otherwise known as the PRC
7 Modernization Act, and such other functions as may be necessary in
8 order to implement the provisions of this Act.

9 **Sec. 8. Qualifications of the Chairman and Members of the Board -**

10 The chairman and members of the Board, at the time of their appointment, must
11 be:

12 (a) A citizen and resident of the Philippines;

13 (b) At least a holder of a bachelor's degree in metallurgical engineering as
14 conferred by an engineering school of good standing, recognized and
15 accredited by Government;

16 (c) A registered Metallurgical Engineer with a valid certificate of registration
17 and professional identification card and an active practitioner for not less
18 than ten (10) continuous years prior to his/her appointment;

19 (d) A person who does not have any pecuniary interest, directly or indirectly
20 in any university, college, school or institution conferring an academic
21 degree necessary for the admission to the practice of metallurgical
22 engineering, or in any institution where review classes in preparation for
23 the licensure examinations for metallurgical engineers are being officially
24 offered or conducted; and not be a member of the faculty or of the
25 administration thereof prior to appointment to the Board, and

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

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

34 The chairman and members shall qualify by taking the proper oath prior to
35 assumption of office.

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

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

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

- 12 (a) Mineral Processing, Extractive Metallurgy, Assaying and
13 Chemistry;
- 14 (b) Physical and Applied Metallurgy;
- 15 (c) Fuel Technology and Refractory Science;
- 16 (d) Engineering Management, Law and Ethics;
- 17 (e) Applied Mathematics and Mechanics and,
- 18 (f) Any other pertinent subjects as the Board may deem necessary to
19 test the applicant's ability and knowledge to ensure safety,
20 economy, proficiency and environmental compliance in the
21 design, construction, installation, maintenance, operation,
22 organization and management of metallurgical plants: *Provided,*
23 That the relative weight of (a) and (b) subjects shall not be less than
24 thirty percent each.

25 Subject to the approval of the Commission, the Board may amend or
26 revise the subjects, their syllabi, passing average, and the system and procedure
27 in the licensure examinations for the practice of metallurgical engineering and
28 the corresponding weight pursuant to the implementing rules and regulations
29 issued for this purpose. The said subjects and their syllabi may be amended by
30 the Board so as to conform to technological changes brought about by continuing
31 trends in the profession.

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

- 1 (a) He/she is a citizen of the Philippines or a foreign citizen whose country
2 has reciprocity agreement with the Philippines ;
3 (b) He/she is of good moral character
4 (c) He/she holds the degree of Bachelor of Science in Metallurgical
5 Engineering from a university, school, college, academy, or institute duly
6 constituted and recognized as such by the government; and
7 (d) He/she must not have been convicted by a court of law of a crime
8 involving moral turpitude.

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

12 **Sec. 20. - Rating in the Licensure Examination. -** To pass the licensure
13 examination for metallurgical engineering, a candidate must obtain a general
14 weighted average of no less than seventy per centum (70%) and a rating of no
15 less than fifty per centum (50%) in any examination subject.

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

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

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

31 **Sec. 23. - Issuance of Certificates of Specialization-** Upon the nomination
32 of the accredited professional organization of metallurgical engineers, the Board
33 shall issue a Certificate of Specialization to an applicant who is a registered
34 metallurgical engineer and who has specialized knowledge, training and

1 experience in a specific field of metallurgy and has documented his/her
2 expertise and competence on the same.

3 **Sec. 24. - Seal of a Metallurgical Engineer-** A metallurgical engineer,
4 upon registration and payment of fees and dues to the accredited professional
5 organization, shall obtain a seal of such design prescribed by the Board, bearing
6 the registrant's name, certificate number and the legend "Registered
7 Metallurgical Engineer". Designs, plans, specifications, project feasibility studies,
8 appraisals, valuations, recommendations, technical reports, proposals, and other
9 professional documents involving metallurgy, quarries, coallier works, projects
10 or installations shall be stamped on every sheet with the said seal of the
11 registrant when filed with government authorities or when submitted or used
12 professionally: *Provided*, That it shall be unlawful for any one to stamp or seal
13 any document with the said seal after the certificate and/ or professional
14 identification card shall have been revoked or cancelled or expired.

15 **Sec. 25. - Fees for Registration-** Every person issued a Certificate of
16 Registration shall pay to the Commission such fees as the Commission may
17 prescribe.

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

- 20 (a) foreign metallurgical engineers, recognized as experts in their specific
21 fields of metallurgical engineering, called in by the Republic of the
22 Philippines for consultation or for specific design, installation or
23 project: *Provided*, That their practice shall be confined to such work
24 only;
- 25 (b) foreign metallurgical engineers who have distinguished themselves in
26 their respective fields of specialization, contracted as professors or
27 lecturers on metallurgical engineering subjects by Philippine schools,
28 or colleges, institutes or universities on a direct hire or exchange basis,
29 subject to verification of credentials by the Board; or
- 30 (c) foreign metallurgical engineers who are duly registered under the
31 bilateral or multilateral agreements where the Philippines is a
32 signatory.

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

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

- 3 (a) convicted of an offense involving moral turpitude by a court of
4 competent jurisdiction,
- 5 (b) found guilty of immoral or dishonorable conduct by the Board,
- 6 (c) summarily adjudged guilty for violation of the General Instruction to
7 Examinees by the Board; and
- 8 (d) declared of unsound mind by a court of competent jurisdiction.

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

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

- 19 (a) violation of a provision of this Act, its IRR, Code of Ethics, and Code of
20 Professional and Technical Standards for the practice of metallurgical
21 engineering;
- 22 (b) perpetration or use of fraud in obtaining his/her certificate of
23 registration, professional identification card, or temporary/special
24 permit;
- 25 (c) gross incompetence, negligence or ignorance resulting to death, injury
26 or damage;
- 27 (d) any act of misrepresentation in connection with an alleged
28 performance of metallurgical engineering activities;
- 29 (e) acts inimical to the metallurgical engineering profession;
- 30 (f) gross immorality;
- 31 (g) conviction by final judgment of any act involving moral turpitude;
- 32 (h) aiding or abetting the illegal practice of a non-registered and non-
33 licensed metallurgical engineer by allowing him/her to use his/her
34 certificate of registration and/or professional identification card, or
35 his/her special/temporary permit;

- 1 (i) illegally practicing the profession during his/her suspension from the
2 practice thereof; and
3 (j) addicted to a drug or alcohol abuse impairing his/her ability to
4 practice his/her profession, or declared with an unsound mind by a
5 court of competent jurisdiction.

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

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

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

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

26 **Article IV**

27 **PRACTICE OF METALLURGICAL ENGINEERING**

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

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

1 metallurgical engineer without a valid certificate of registration or when
2 such has been suspended or revoked;

3 b) Attempt to use as his/her own the certificate or seal of another person or
4 impersonate another registered metallurgical engineer; or

5 c) Furnish the Board or Commission any false information or document in
6 order to secure a Certificate of Registration.

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

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

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

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

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

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

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

3 **Sec. 40. Enforcement of the Act by the Officers of the Law.** - The Board
4 shall be assisted by the Commission in carrying out the provisions of this Act
5 and its implementing rules and regulations and other policies. The lawyers of the
6 Commission shall act as the prosecutors against illegal practitioners and other
7 violations of this Act and its rules. The duly constituted authorities of
8 government shall likewise assist the Board and the Commission in enforcing the
9 provisions of this Act and its rules.

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

16 **Sec. 42. Funding Provision.-** The Chairperson of the Professional
17 Regulation Commission shall immediately include in its programs the
18 implementation of this Act, the funding of which shall be included in the Annual
19 General Appropriations Act.

20 **Sec. 43. Transitory Provisions.** - (a) After the approval of this Act,
21 metallurgical engineers possessing valid certificates of registration issued under
22 R.A. 1536, otherwise known as the Metallurgical Engineering Law of 1978, shall
23 register with the Board and be issued certificates as registered metallurgical
24 engineers under this Act to replace their original certificates of registration, upon
25 payment of the required fees.

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

33 (c) The present chairman and members of the Board shall automatically be
34 issued Certificates of Registration as registered metallurgical engineers. They

1 shall continue to function in the Board until such time as a new Board shall be
2 constituted under this Act.

3 **Sec. 44. Separability Clause.** - If any section or portion of this Act shall be
4 declared unconstitutional or invalid, such shall not invalidate any other section
5 of this Act.

6 **Sec. 45. Repealing Clause.** - Republic Act No. 1536 is hereby repealed. All
7 other laws, parts of law, orders, ordinances, or regulations relative to the practice
8 of metallurgical engineering which are inconsistent with the provisions of this
9 Act are hereby repealed or modified accordingly.

10 **Sec. 46. Effectivity.** - This Act shall take effect fifteen days following its
11 publication in the *Official Gazette* or in a major daily newspaper of general
12 circulation in the Philippines.

13 Approved,