


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

8 AUG 28 11:40

SENATE

RECEIVED BY: S.B. No. 2573

Introduced by Senator Loren Legarda

EXPLANATORY NOTE

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

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

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

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

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

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

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

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

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

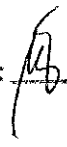
In view of the foregoing, the passage of this bill is earnestly sought.


LOREN LEGARDA
Senator

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

8 AUG 28 19:40

SENATE
S.B. No. 2573

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Introduced by Senator Loren Legarda

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

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

Article I

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

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

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

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

- 10 (a) the examination, registration, and licensure of professional mining
11 engineers, mining engineers, and certified mine foremen;
- 12 (b) the supervision, control and regulation of the practice of mining
13 engineering;
- 14 (c) the development and upgrading of the curriculum of the mining
15 engineering profession;
- 16 (d) the promotion of the professional competence of mining engineers
17 through continuing professional development/education; and

1 (e) the integration of the mining engineering profession.

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

4 (a) "Practice of mining engineering" shall mean the rendering or offering of
5 mining engineering services for a fee, salary, reward or compensation,
6 paid to him/her or through another person or persons, or even without
7 such reward or compensation.

8 (b) "Mine" shall mean all kinds of excavations and/or extractions aimed at
9 extracting minerals/materials, energy resources or groundwater resources
10 for beneficial usages in the context of responsible mining and sustainable
11 development.

12 (c) "Mineral/ore resource" shall mean a concentration or occurrence of
13 minerals/materials of intrinsic economic interest in or on the earth's crust
14 in such form and quantity that there are reasonable prospects for eventual
15 economic extraction.

16 (d) "Mineral /ore reserve" shall mean that portion of a mineral resource that
17 is economically mineable and which, after the application of all mining
18 factors, result in an estimated tonnage and grade, and, based on the
19 certification of the mining engineer making the estimates, could be the
20 basis of a viable project after taking into account all relevant mining,
21 metallurgical, economic, marketing, legal, environmental, social and
22 governmental factors.

23 (e) "Energy resources" shall mean coal, gas, petroleum, geothermal fluids or
24 radioactive minerals that can be mined or harnessed for the production of
25 power and other beneficial usages.

26 (f) "Water reserves" shall mean groundwater deposits proven through
27 hydro-geological exploration where water can be beneficially extracted or
28 harnessed for power generation and industrial development.

29 (g) "Mine installations" shall mean surface, underground or underwater
30 excavations that require knowledge of mining engineering.

31 (h) "Professional Mining Engineer, Mining Engineer, Certified Mine
32 Foreman" shall mean persons who are holders of valid Certificates of
33 Registration and Professional Identification Cards issued by the
34 Professional Regulatory Board of Mining Engineering and the
35 Professional Regulation Commission.

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

5 (a) Management, engineering or supervisory positions in mines, mine
6 installation or construction projects where knowledge in mining
7 engineering is necessary in carrying out such function;

8 (b) Calculation, estimation and certification of mineral, energy and water
9 reserves, preparation of mine feasibility studies; mine valuation or
10 auditing; and mine consulting;

11 (c) Participation in the preparation of environmental studies for mining
12 projects and monitoring under the Environmental Impact Assessment
13 (EIA) system;

14 (d) Preparation, approval or signing of mining documents such as but not
15 limited to mine reports, mine plans and designs, specifications or project
16 estimates;

17 (e) Design, commissioning or decommissioning of mines, mining methods
18 and applicable machinery, works or installation;

19 (f) Employment in government service, if the nature and character of his/her
20 work is in line with the profession requiring professional knowledge of
21 the science of mining engineering;

22 (g) Management or supervision of small scale mines or similar projects as
23 prescribed by law;

24 (h) Mine engineering practice or services covered by bilateral or multilateral
25 trade agreements where the Philippines is a signatory;

26 (i) Teaching, lecturing and reviewing of professional mining engineering
27 subjects in government recognized and accredited universities, colleges,
28 schools and institutes; and

29 (j) All other functions, services and activities which, in the assessment and
30 opinion of the Board, the same constitute the practice of Mining
31 Engineering.

1 **Article II**

2 **CREATION OF THE PROFESSIONAL REGULATORY BOARD**
3 **OF MINING ENGINEERING**

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

14 **Sec. 7. *Powers and Duties of the Board.-*** The Board shall have the
15 following powers and duties:

- 16 (a) Supervise and regulate the practice of mining engineering profession;
17 (b) Determine and evaluate the qualifications of the applicants for
18 registration;
19 (c) Prescribe the subjects in the licensure examinations, determine the
20 syllabi of the subjects and their relative weights, construct the test
21 questions in the examinations, score and rate the examination papers,
22 and submit the examination results to the Commission;
23 (d) Issue together with the Commission, Certificates of Registration and
24 Professional Identification Cards to applicants who have passed the
25 licensure examinations for registered mining engineers;
26 (e) Issue special/temporary permits to foreign mining engineers to
27 practice the profession;
28 (f) Inquire into conditions affecting the practice of the profession and
29 adopt measures for the enhancement and maintenance of high
30 professional, ethical and technical standards. Pursuant thereto, the
31 Board may inspect establishments where mining engineers practice
32 their profession such as mines, plants, offices and the like in order to
33 determine and enforce compliance with the provisions of this Act and
34 issue Certificates of Compliance for the purpose;

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

1 (r) Perform regulatory, administrative, and quasi-legislative functions as
2 mandated under R.A. 8981 otherwise known as the Professional
3 Regulation Commission Modernization Act, and such other functions
4 as may be necessary in order to implement the provisions of this Act.

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

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

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

30 The Chairperson and members shall qualify by taking the proper oaths prior
31 to assumption of office.

32 **Sec. 10. Compensation of the Board** - The Chairperson and members of
33 the Board shall receive compensation and allowances comparable to that being
34 received by the chairpersons and members of other professional regulatory

1 boards under the Commission as provided for in the General Appropriations
2 Act.

3 **Sec. 11. Custodian of Records, Secretariat and Support** - All records of
4 the Board, including applications for examinations, examination papers and
5 results, minutes of meetings, deliberations of administrative and other
6 investigative cases involving the Board shall be kept by the Commission. The
7 Commission shall designate the Secretary of the Board and shall provide
8 secretariat and other support services to implement the provisions of this Act.

9 **Sec. 12. Grounds for Suspension or Removal of Board**
10 **Members/Chairperson** - The President, upon the recommendation of the
11 Commission after due process and administrative investigation conducted by the
12 Commission, may remove or suspend the Chairperson or a member of the Board
13 on any of the following grounds:

14 (a) gross negligence, incompetence or dishonesty in the discharge of his/her
15 duty;

16 (b) violation of any of the causes/grounds and the prohibited acts provided
17 in this Act and the offenses in the Revised Penal Code, the Anti-Graft and
18 Corruption Practices, and other laws, or

19 (c) manipulation or rigging of the licensure examination result for mining
20 engineering, disclosure of secret and confidential information on the
21 examination questions prior to the conduct thereof, or tampering of
22 grades.

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

27 **Article III**

28 **LICENSURE EXAMINATION AND REGISTRATION**

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

31 (a) Professional Mining

32 (b) Mining Engineer

33 (c) Certified Mine Foreman

34 **Sec. 15. Passing of Licensure Examination Requirement.** - Except as
35 otherwise specifically allowed under this Act, applicants for registration for the

1 practice of mining engineering shall be required to pass a licensure examination
2 as provided for in this Act in such places and dates as the Commission may
3 designate in accordance with the provisions of R.A. No. 8981 or the PRC
4 Modernization Act of 2000.

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

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

13 (a) Geology, and Mineral/Ore Resources Exploration;

14 (b) Mining Engineering, Laws and Ethics;

15 (c) Ore Processing/Beneficiation; and

16 (d) Environmental Protection, Mine Safety and Social Acceptability.

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

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

26 (a) he/she is a citizen of the Philippines or a foreign citizen whose country
27 has reciprocity agreement with the Philippines ;

28 (b) he/she holds a degree of Bachelor of Science in Mining Engineering from
29 a university, school, college, academy, or institute duly constituted and
30 recognized as such by the government; and

31 (c) he/she must not have been convicted by a court of law of a crime
32 involving moral turpitude.

33 **Sec. 19. *Registration of Professional Mining Engineer and Certified Mine***
34 ***Foreman.-*** Registration of the following categories of practice of mining
35 engineering shall require no written licensure examinations.

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

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

17 **Sec. 20. - Qualifications of Applicants for Professional Mining Engineer.-**

18 An applicant for registration as a Professional Mining Engineer must, at the
19 time of filing of his/her application, establish to the satisfaction of the Board that:

- 20 (a) he/she is a citizen of the Philippines or a foreign citizen whose country
21 has reciprocity agreement with the Philippines;
- 22 (b) he/she has a valid certificate of registration as Mining Engineer and a
23 holder of a valid Professional Identification Card;
- 24 (c) he/she has graduated from an engineering school or college of
25 recognized standing, after completing an approved course in mining
26 engineering;
- 27 (d) he/she has a specific record of a total of ten (10) years or more of active
28 and continuous mining engineering practice prior to his/her registration;
- 29 (e) he/she holds at least one certificate of specialization in mining
30 engineering as specified under Section 26 thereof; and
- 31 (f) he/she must not have been convicted by a court of law of a crime
32 involving moral turpitude.

33 **Sec. 21. - Qualifications of Applicants for Mine Foreman-**

34 Any person applying for a certificate of registration as Mine Foreman shall
35 establish to the satisfaction of the Board that:

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

14 **Sec. 22. - Examination Fees-** Any applicant admitted to take the mining

15 engineering examination shall pay such fees as may be prescribed by the

16 Commission before he/she is allowed to take the same.

17 **Sec. 23. - Rating in the Licensure Examination.-** To pass the licensure

18 examination for mining engineering, a candidate must obtain a general or

19 weighted average of no less than seventy per centum (70%) and a rating of no

20 less than fifty per centum (50%) in any examination subject.

21 **Sec. 24. - Report of Ratings.-** The Board shall complete the correction of

22 examination papers within three (3) days from the last day of examinations. The

23 Commission shall report the rating of examinees not more than thirty (30) days

24 after the Board has completed the correction of examination papers.

25 **Sec. 25. - Issuance of Certificates of Registration and Professional**

26 **Identification Card-** A certificate of registration shall be issued to those who are

27 registered with or without licensure examination subject to payment of fees

28 prescribed by the Commission. It shall bear the signatures of the Chairperson of

29 the Commission and of the Chairperson and members of the Board, stamped

30 with the official seal of the Commission and of the Board, certifying that the

31 person named therein is entitled to the practice of the profession with all the

32 privileges appurtenant thereto. Until withdrawn, revoked, or suspended in

33 accordance with this Act, it shall remain in full force and effect.

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

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

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

23 **Sec. 28. - Fees for Registration-** Every person issued a Certificate of
24 Registration shall pay to the Commission such fees as the Commission may
25 prescribe.

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

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

32 (b) foreign Mining Engineers who have distinguished themselves in their
33 respective fields of specialization, contracted as professors or lecturers
34 on mining engineering subjects by Philippine schools, or colleges,

1 institutes or universities on a direct hire or exchange basis, subject to
2 verification of credentials by the Board; or
3 (c) foreign Mining Engineers who are duly registered under the
4 bilateral or multilateral agreements where the Philippines is a
5 signatory.

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

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

- 10 (a) convicted of an offense involving moral turpitude by a court of
11 competent jurisdiction;
12 (b) found guilty of immoral or dishonorable conduct by the Board;
13 (c) summarily adjudged guilty for violation of the General Instruction to
14 Examinees by the Board; and
15 (d) declared of unsound mind by a court of competent jurisdiction.

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

19 **Sec. 31. - *Revocation or Suspension of the Certificates of Registration and***
20 ***Cancellation of Temporary/Special Permit.***- The Board shall have the power,
21 upon notice of hearing, to revoke or suspend the certificate of registration of a
22 Professional Mining Engineer, Mining Engineer or Certified Mine Foremen to
23 cancel a temporary/special permit granted to a foreign mining engineer, for
24 violation of any of the grounds or causes in Sec. 30 of this Act, except (c) thereof
25 and on any of the following grounds :

- 26 (a) violation of a provision of this Act, its Implementing Rules and
27 Regulations, Code of Ethics, and Code of Professional and Technical
28 Standards for the practice of mining engineering;
29 (b) perpetration or use of fraud in obtaining his/her certificate of
30 registration, professional identification card, or temporary/special
31 permit;
32 (c) gross incompetence, negligence or ignorance resulting to death, injury
33 or damage;
34 (d) any act of misrepresentation in connection with an alleged
35 performance of mining engineering activities;

- 1 (e) acts inimical to the mining engineering 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-
5 licensed mining engineer by allowing him/her to use his/her
6 certificate of registration and/or professional identification card, or
7 his/her special/temporary permit;
8 (i) illegally practicing the profession during his/her suspension from the
9 practice thereof; or
10 (j) addicted to a drug or alcohol abuse impairing his/her ability to
11 practice his/her profession, or declared with an unsound mind by a
12 court of competent jurisdiction.

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

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

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

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

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

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

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

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

12 Article IV

13 PRACTICE OF MINING ENGINEERING

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

19 **Sec. 35. - *Who May Practice Mining Engineering*** - Except as may be
20 otherwise provided in this Act, only persons properly licensed and registered
21 may practice mining engineering in the country. No firm, partnership,
22 corporation or association may be licensed and registered as such for the practice
23 of mining engineering. Duly licensed professional mining engineers and/ or
24 mining engineers may form partnerships among themselves and use the title
25 "Mining Engineers" or "Professional Mining Engineers", or "Engineers" in their
26 partnership name.

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

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

1 Million Pesos (P1,000,000.00) or imprisonment of not less than one (1) month but
2 not more than five (5) years at the discretion of the court:

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

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

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

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

14 (e) Any person who shall use a revoked or suspended certificate of
15 registration, and/or a valid professional identification card, or a
16 valid temporary/special permit, or an expired/non-current
17 Professional identification card, or an expired cancelled
18 temporary/special permit.

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

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

27 **Sec. 44. Enforcement of the Act by the Officers of the Law.**- The Board
28 shall be assisted by the Commission in carrying out the provisions of this Act
29 and its implementing rules and regulations and other policies. The lawyers of the
30 Commission shall act as the prosecutors against illegal practitioners and other
31 violations of this Act and its rules. The duly constituted authorities of
32 government shall likewise assist the Board and the Commission in enforcing the
33 provisions of this Act and its rules.

34 **Sec. 45. Implementing Rules and Regulations.**- Subject to the approval of
35 the Commission, the Board in consultation with the APO shall adopt and

1 promulgate such implementing rules and regulations and the Code of Ethics and
2 Code of Professional and Technical Standards of Mining Engineers to carry out
3 the provisions of this Act.

4 **Sec. 46. *Funding Provision.***- The Chairperson of the Professional
5 Regulation Commission shall immediately include in the Commission's
6 programs the implementation of this Act, the funding of which shall be included
7 in the Annual General Appropriations Act.

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

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

20 **Sec. 48. *Separability Clause.***- If any section or portion of this Act shall be
21 declared unconstitutional or invalid, such shall not invalidate any other section
22 of this Act.

23 **Sec. 49. *Repealing Clause.***- R.A. NO. 4274, as amended, is hereby
24 repealed. All other laws, parts of law, orders, ordinances, or regulations relative
25 to the practice of mining engineering which are inconsistent with the provisions
26 of this Act are hereby repealed or modified accordingly.

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

29 Approved.