



HOUSE OF REPRESENTATIVES

H. No. 5015

BY REPRESENTATIVES YU, SALVACION, MANALO, CORTUNA, DELA CRUZ,
NOEL, PICHAY, APOSTOL, PAQUIZ, PADILLA, LOBREGAT, DEL
ROSARIO (A.G.), PIAMONTE, ABELLANOSA AND PRIMICIAS-AGABAS,
PER COMMITTEE REPORT NO. 429

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"

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

1 ARTICLE I

2 TITLE. STATEMENT OF POLICY, DEFINITION OF TERMS

3 AND SCOPE OF PRACTICE

4 SECTION 1. *Title.* – This Act shall be known as the "Mining
5 Engineering Act".

6 SEC. 2. *Statement of Policy.* – It is hereby declared the policy of the
7 State to supervise and standardize the practice of mining engineering as it is
8 vital to national development. Thus, the State shall endeavour to continually
9 develop and nurture competent, ethical and globally competitive mining

1 engineers whose standards of professional practice shall conform to the highest
2 standards of excellence.

3 SEC. 3. *Objectives.* – This Act shall govern the following:

4 (a) Examination, registration, and licensure of professional mining
5 engineers, mining engineers and certified mine foremen;

6 (b) Supervision, control and regulation of the practice of mining
7 engineering;

8 (c) Development and upgrading of the curriculum of the mining
9 engineering profession;

10 (d) Promotion of the professional competence of mining engineers
11 through continuing professional development/education; and

12 (e) Integration of the mining engineering profession.

13 SEC. 4. *Definition of Terms.* – As used in this Act:

14 (a) *Practice of mining engineering* refers to the rendering or offering
15 of mining engineering services for a fee, salary, reward or compensation paid
16 directly or through another person or persons, or even without such reward or
17 compensation;

18 (b) *Mine* refers to all kinds of excavations and/or extractions aimed at
19 extracting minerals/materials, energy resources or groundwater resources for
20 beneficial usages in the context of responsible mining and sustainable
21 development;

22 (c) *Mineral/ore resource* refers to a concentration or occurrence of
23 minerals/materials of intrinsic economic interest in or on the earth's crust in
24 such form and quantity that there are reasonable prospects for eventual
25 economic extraction;

26 (d) *Mineral/ore reserve* refers to the portion of a mineral resource that
27 is economically mineable and which, after the application of all mining factors,
28 result in an estimated tonnage and grade. and. based on the certification of the

1 mining engineer making the estimates. may be the basis of a viable project
2 after taking into account all relevant mining, metallurgical, economic,
3 marketing, legal, environmental, social and governmental factors:

4 (e) *Energy resources* refer to coal, gas, petroleum, geothermal fluids or
5 radioactive minerals that can be mined or harnessed for the production of
6 power and other beneficial usages;

7 (f) *Water reserves* refer to groundwater deposits proven through
8 hydro-geological exploration where water can be beneficially extracted or
9 harnessed for power generation and industrial development;

10 (g) *Mine installations* refer to surface, underground or underwater
11 excavations that require knowledge of mining engineering: and

12 (h) *Professional mining engineer, mining engineer, and certified mine*
13 *foreman* refer to persons who hold valid certificates of registration and
14 professional identification cards issued by the Professional Regulatory Board
15 of Mining Engineering and the Professional Regulation Commission.

16 SEC. 5. *Scope of Practice.* – A person shall be deemed to be
17 practicing the profession of mining engineering or rendering mining
18 engineering services within the meaning and intent of this Act when one
19 performs any or all of the following:

20 (a) Management, engineering or supervisory positions in mines, mine
21 installations or construction projects where knowledge in mining engineering is
22 necessary in carrying out such function:

23 (b) Calculation, estimation and certification of mineral, energy and
24 water reserves, preparation of mine feasibility studies, mine valuation or
25 auditing and mine consulting;

26 (c) Participation in the preparation of environmental studies for mining
27 projects and monitoring under the Environmental Impact Assessment (EIA)
28 System:

1 (d) Preparation, approval or signing of mining documents such as mine
2 reports, mine plans and designs, specifications or project estimates:

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

5 (f) Employment in government service, if the nature and character of
6 the work is in line with the profession requiring professional knowledge of the
7 science of mining engineering:

8 (g) Management or supervision of small-scale mines or similar projects
9 as prescribed by law;

10 (h) Mine engineering practice or services covered by bilateral or
11 multilateral trade agreements where the Philippines is a signatory:

12 (i) Teaching, lecturing and reviewing of professional mining
13 engineering subjects in government-recognized and -accredited universities,
14 colleges, schools and institutes; and

15 (j) All other functions, services and activities which, in the assessment
16 and opinion of the Board, constitute the practice of mining engineering.

17 ARTICLE II

18 CREATION OF THE PROFESSIONAL REGULATORY BOARD 19 OF MINING ENGINEERING

20 SEC. 6. *Creation of the Board of Mining Engineering.* -- There is
21 hereby created a Professional Regulatory Board of Mining Engineering.
22 hereinafter referred to as the Board, under the administrative control and
23 supervision of the Professional Regulation Commission, hereinafter referred to
24 as the Commission, composed of a Chairperson and two (2) members to be
25 appointed by the President of the Philippines from among those recommended
26 by the Commission from the nominees of the duly accredited professional
27 organization (APO) of professional mining engineers, mining engineers and

1 certified mine foremen. The new Board shall be constituted within three (3)
2 months from the effectivity of this Act.

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

5 (a) Supervise and regulate the practice of the mining engineering
6 profession;

7 (b) Determine and evaluate the qualifications of the applicants for
8 registration;

9 (c) Prescribe the subjects in the licensure examinations, determine the
10 syllabi of the subjects and their relative weights, construct the test questions in
11 the examinations, score and rate the examination papers, and submit the
12 examination results to the Commission;

13 (d) Issue, together with the Commission, certificates of registration and
14 professional identification cards to applicants who have passed the licensure
15 examinations for registered mining engineers;

16 (e) Issue temporary/special permits to foreign mining engineers to
17 practice the profession;

18 (f) Inquire into conditions affecting the practice of the profession and
19 adopt measures for the enhancement and maintenance of high professional,
20 ethical and technical standards. Pursuant thereto, the Board may inspect
21 establishments where mining engineers practice their profession such as mines,
22 plants, offices and the like in order to determine and enforce compliance with
23 the provisions of this Act and issue certificates of compliance for the purpose;

24 (g) Inspect the facilities, faculty, equipment and other aspects directly
25 related to the mining engineering program of educational institutions in
26 coordination with the Commission on Higher Education (CHED);

27 (h) Promulgate the implementing rules and regulations (IRR) necessary
28 for carrying out the provisions of this Act;

1 (i) Adopt a Code of Ethics and a Code of Professional and Technical
2 Standards for the practice of the mining engineering profession;

3 (j) *Investigate*, in accordance with the rules on administrative
4 investigation promulgated by the Commission, violations of this Act and its
5 IRR, the Code of Ethics and the Code of Professional and Technical Standards
6 for mining engineers, administrative policies, orders and issuances
7 promulgated by the Board;

8 (k) Issue *subpoena ad testificandum* and *subpoena duces tecum* to
9 secure the attendance of witnesses or the production of documents in
10 connection with administrative cases before the Board;

11 (l) Hear and decide administrative cases filed against mining engineers
12 and firms employing mining engineers. The hearing shall be presided by the
13 Chairperson or a member of the Board with the assistance of a lawyer from the
14 Commission. The decision of the Board may be appealed to the Commission
15 and to the court within fifteen (15) days from notice, otherwise the decision
16 shall become final and executory;

17 (m) Administer oaths in connection with the performance of its
18 functions;

19 (n) Adopt an official seal and prescribe the seal of the mining
20 engineering profession;

21 (o) Submit an annual report on the proceedings and accomplishments
22 during the year and/or recommendations of the Board to the Commission thirty
23 (30) days after the close of each calendar year;

24 (p) Prosecute or institute criminal action against any violator of this
25 Act and/or rules and regulations of the Board;

26 (q) Prescribe guidelines and criteria on the Continuing Professional
27 Development (CPD) program for mining engineers in consultation with the
28 integrated and APO of mining engineers; and

1 (r) Perform regulatory, administrative and quasi-legislative functions
2 as mandated under Republic Act No. 8981, otherwise known as the "PRC
3 Modernization Act of 2000", and such other functions as may be necessary in
4 order to implement the provisions of this Act.

5 SEC. 8. *Qualifications of the Chairperson and Members of the Board.*

6 – The Chairperson and members of the Board, at the time of their
7 appointment, must be:

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

9 (b) At least a holder of a bachelor's degree in mining engineering as
10 conferred by an engineering school of good standing, recognized and
11 accredited by the government;

12 (c) A professional mining engineer with a valid certificate of
13 registration and professional identification card and an active practitioner for
14 not less than ten (10) continuous years prior to the appointment;

15 (d) A person who does not have any pecuniary interest, directly or
16 indirectly, in any university, college, school or institution conferring an
17 academic degree necessary for the admission to the practice of mining
18 engineering, or institutions where review classes in preparation for the
19 licensure examinations for mining engineers are being officially offered or
20 conducted; nor shall one be a member of the faculty or of the administration
21 thereof prior to appointment to the Board; and

22 (e) A member of the APO of mining engineers but not a trustee or
23 officer thereof.

24 SEC. 9. *Term of Office.* – The Chairperson and members of the Board
25 shall hold office for a term of three (3) years after their appointment or until
26 their successors shall have been appointed and duly qualified. They may be
27 reappointed for another term of three (3) years immediately after the expiration

1 of their term but in no case shall the whole term exceed six (6) years. Interim
2 vacancies shall be filled up for the unexpired portion of the term only.

3 The Chairperson and members of the Board shall qualify by taking the
4 proper oaths prior to assumption of office.

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

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

17 SEC. 12. *Grounds for Removal or Suspension of the Chairperson and*
18 *Members of the Board.* – The President of the Philippines, upon the
19 recommendation of the Commission, after due process and administrative
20 investigation conducted by the Commission, may remove or suspend the
21 Chairperson or a member of the Board on any of the following grounds:

22 (a) Gross negligence, incompetence or dishonesty in the discharge of
23 their duties;

24 (b) Violation of any of the causes/grounds and the prohibited acts
25 provided in this Act and the offenses in the Revised Penal Code, the Anti-Graft
26 and Corrupt Practices Act and other laws: or

1 (c) Manipulation or rigging of the licensure examination result for
2 mining engineering, disclosure of secret and confidential information on the
3 examination questions prior to the conduct thereof, or tampering of grades

4 SEC. 13. *Annual Report.* – The Board shall submit an annual report
5 to the Commission after the close of each fiscal year, giving a detailed account
6 of Board proceedings during the year and embodying such recommendations
7 as the Board may desire to take.

8 ARTICLE III

9 LICENSURE EXAMINATION AND REGISTRATION

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

- 12 (a) Professional mining engineer;
13 (b) Mining engineer; and
14 (c) Certified mine foreman.

15 SEC. 15. *Passing of Licensure Examination Requirement.* – Except
16 as otherwise specifically allowed under this Act, applicants for registration for
17 the practice of mining engineering shall be required to pass a licensure
18 examination as provided for in this Act in such places and dates as the
19 Commission may designate in accordance with the provisions of Republic Act
20 No. 8981, otherwise known as the “PRC Modernization Act of 2000”.

21 SEC. 16. *Holding of Examination.* – Examination of candidates
22 applying for registration as mining engineer shall be given at least once a year
23 on the date and venue prescribed by the Commission and shall be conducted by
24 the Board.

25 SEC. 17. *Scope of Examination for Mining Engineers.* – In the
26 licensure examinations for mining engineers, the scope of examination,
27 methods and procedures shall be prescribed by the Board. The licensure
28 examination shall include the following subjects:

- 1 (a) Geology and Mineral/Ore Resources Exploration;
- 2 (b) Mining Engineering, Laws and Ethics;
- 3 (c) Ore Processing/Beneficiation; and
- 4 (d) Environmental Protection. Mine Safety and Social Acceptability.

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

11 SEC. 18. *Qualifications of an Applicant for Mining Engineer.* – An
12 applicant for the licensure examination for mining engineers shall establish to
13 the satisfaction of the Board that the following qualifications are met:

- 14 (a) A citizen of the Philippines or a foreign citizen whose country has a
15 reciprocity agreement with the Philippines;
- 16 (b) A holder of a degree of Bachelor of Science in Mining Engineering
17 from a university, school, college, academy or institute duly constituted and
18 recognized as such by the government; and
- 19 (c) Must not have been convicted by a court of law of a crime
20 involving moral turpitude.

21 SEC. 19. *Registration of Professional Mining Engineer and Certified*
22 *Mine Foreman.* – Registration of the following categories of the practice of
23 mining engineering shall not require written licensure examinations:

- 24 (a) Professional Mining Engineer. – The granting of certificates of
25 registration to professional mining engineers shall be testimonial in nature.
26 Candidates for certification shall be nominated by the APO which shall
27 evaluate, attest and certify to the credentials of applicants including an

1 enumeration of experience and presentation of a mining engineering report or
2 technical paper pertinent to their line of experience: and

3 (b) Certified Mine Foreman. – The granting of a certificate of
4 registration as certified mine foreman shall be upon the nomination of the APO
5 which shall evaluate, testify and certify to the qualification of applicants
6 through oral examinations on specific subjects such as mining operations,
7 drilling and blasting, mine safety, environmental protection and pertinent mine
8 rules and regulations: *Provided*, That an applicant for a blaster foreman's
9 license issued by the Philippine National Police (PNP) must be either a
10 graduate of mining engineering or a registered mining engineer or a certified
11 mine foreman.

12 SEC. 20. *Qualifications of an Applicant for Professional Mining*
13 *Engineer.* – An applicant for registration as a professional mining engineer
14 shall, at the time of the filing of the application, establish to the satisfaction of
15 the Board that the following qualifications are met:

16 (a) A citizen of the Philippines or a foreign citizen whose country has a
17 reciprocity agreement with the Philippines:

18 (b) Holds a valid certificate of registration as mining engineer and a
19 holder of a valid professional identification card:

20 (c) A graduate from an engineering school or college of recognized
21 standing, after completing an approved course in mining engineering:

22 (d) Holds a specific record of a total of ten (10) years or more of active
23 and continuous mining engineering practice prior to the registration:

24 (e) Holds at least one (1) certificate of specialization in mining
25 engineering as specified under Section 26 hereof; and

26 (f) Must not have been convicted by a court of law of a crime
27 involving moral turpitude.

1 SEC. 21. *Qualifications of an Applicant for Mine Foreman.* – An
2 applicant for registration as mine foreman shall establish to the satisfaction of
3 the Board that the following qualifications are met:

4 (a) A Filipino citizen and at least twenty-one (21) years of age;

5 (b) Of good reputation and moral character;

6 (c) A graduate of a mine foreman course from a mining school or
7 institute duly accredited by the government and has at least ten (10) years of
8 actual experience in mining; or

9 (d) A graduate of mining engineering from a government-recognized
10 school, university, institute or college with at least five (5) years of actual
11 experience in mining; or

12 (e) A college graduate with at least fifteen (15) years of actual
13 experience in mining; and

14 (f) Certified and attested to by the APO of mining engineers as
15 competent to be a mine or quarry foreman.

16 SEC. 22. *Examination Fees.* – Any applicant admitted to take the
17 mining engineering examination shall pay such fees as may be prescribed by
18 the Commission before one shall be allowed to take the examination.

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

23 SEC. 24. *Report of Ratings.* – The Board shall complete the correction
24 of examination papers within three (3) days from the last day of examinations.
25 The Commission shall report the rating of examinees not later than the thirtieth
26 (30th) day after the Board has completed the correction of examination papers.

27 SEC. 25. *Issuance of Certificates of Registration and Professional*
28 *Identification Card.* – A certificate of registration shall be issued to those

1 who are registered with or without licensure examination, subject to the
2 payment of fees prescribed by the Commission. It shall bear the signatures of
3 the Chairperson of the Commission and of the Chairperson and members of the
4 Board, stamped with the official seal of the Commission and of the Board,
5 certifying that the person named therein is entitled to the practice of the
6 profession with all the privileges appurtenant thereto. Until withdrawn,
7 revoked, or suspended in accordance with this Act, it shall remain in full force
8 and effect. A professional identification card bearing the registration number
9 and date, its validity and expiry duly signed by the Chairperson of the
10 Commission, shall likewise be issued to every registrant who has paid the
11 prescribed fees.

12 SEC. 26. *Issuance of Certificates of Specialization.* – Upon the
13 nomination of the APO of mining engineers, the Board shall issue a certificate
14 of specialization to an applicant who is a registered mining engineer and who
15 has specialized knowledge, training and experience in a specific field of
16 mining and has documented one's expertise and competence on the same.

17 SEC. 27. *Seal of a Professional and Registered Mining Engineer.* –
18 A professional mining engineer or a mining engineer, upon registration and
19 payment of fees and dues to the APO, shall obtain a seal of such design
20 prescribed by the Board, bearing the registrant's name, certificate number and
21 the legend "Professional Mining Engineer" or "Mining Engineer". Designs,
22 plans, specifications, project feasibility studies, appraisals, valuations,
23 recommendations, technical reports, proposals and other professional
24 documents involving mines, quarries, colliery works, projects or installations
25 shall be stamped on every sheet with the said seal of the registrant when filed
26 with government authorities or when submitted or used professionally;
27 *Provided,* That it shall be unlawful for anyone to stamp or seal any document

1 with the said seal after the certificate and/or professional identification card
2 shall have been revoked or cancelled or has expired.

3 SEC. 28. *Fees for Registration.* – Every person issued a certificate of
4 registration shall pay the Commission such fees as the Commission may
5 prescribe.

6 SEC. 29. *Issuance of Temporary/Special Permits.* – Temporary/special
7 permits shall be issued to the following upon proper application with the
8 Board:

9 (a) Foreign mining engineers, recognized as experts in their specific
10 fields of mining engineering, called in by the Republic of the Philippines for
11 consultation or for specific design, installation or project: *Provided*, That their
12 practice shall be confined to such work only.

13 (b) Foreign mining engineers who have distinguished themselves in
14 their respective fields of specialization, contracted as professors or lecturers on
15 mining engineering subjects by Philippine schools or colleges, institutes or
16 universities on a direct hire or exchange basis, subject to verification of
17 credentials by the Board; or

18 (c) Foreign mining engineers who are duly registered under the
19 bilateral or multilateral agreements where the Philippines is a signatory:
20 *Provided*, That all of the above shall secure a temporary/special permit from
21 the Board prior to their arrival in the country.

22 SEC. 30. *Refusal to Register.* – The Board shall not register any
23 successful applicant for registration with or without licensure examination who
24 has been:

25 (a) Convicted of an offense involving moral turpitude by a court of
26 competent jurisdiction;

27 (b) Found guilty of immoral or dishonorable conduct by the Board;

1 (c) Summarily adjudged guilty for violation of the general instruction
2 to examinees by the Board; and

3 (d) Declared of unsound mind by a court of competent jurisdiction.

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

7 SEC. 31. *Revocation or Suspension of the Certificates of Registration*
8 *and Cancellation of Temporary/Special Permit.* – The Board shall have the
9 power, upon notice and hearing, to revoke or suspend the certificate of
10 registration of a professional mining engineer, a mining engineer or a certified
11 mine foreman or to cancel a temporary/special permit granted to a foreign
12 mining engineer, for violation of any of the grounds or causes as provided for
13 in Section 30 of this Act, except paragraph (c) thereof, and on any of the
14 following grounds:

15 (a) Violation of a provision of this Act, its IRR, Code of Ethics and
16 Code of Professional and Technical Standards for the practice of mining
17 engineering;

18 (b) Perpetration or use of fraud in obtaining one's certificate of
19 registration, professional identification card or temporary/special permit;

20 (c) Gross incompetence, negligence or ignorance resulting to death,
21 injury or damage;

22 (d) Commission of any act of misrepresentation in connection with an
23 alleged performance of mining engineering activities;

24 (e) Commission of acts inimical to the mining engineering profession;

25 (f) Gross immorality;

26 (g) Conviction by final judgment of any act involving moral turpitude;

27 (h) Aiding or abetting the illegal practice of a nonregistered and
28 non-licensed mining engineer by allowing the use of one's certificate of

1 registration and/or professional identification card, or temporary/special
2 permit:

3 (i) *Illegal practice of the profession during the suspension from the*
4 *practice thereof; or*

5 (j) *Addiction to drugs or alcohol impairing the ability to practice the*
6 *profession, or a declaration by a court of competent jurisdiction that the*
7 *registrant is of unsound mind.*

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

11 Any person, firm or association may file charges in accordance with the
12 provision of this section against any registrant. or the Board may investigate
13 violation of any of the abovementioned causes. An affidavit-complaint shall be
14 filed together with the affidavits of witnesses and other documentary evidence
15 with the Board through the Legal and Investigation Office. The Board may
16 *motu proprio* conduct an investigation which shall be embodied in a formal
17 charge to be signed by at least a majority of the members of the Board. The
18 rules on administrative investigation issued by the Commission shall govern
19 the hearing or investigation subject to applicable provisions of this Act. the
20 PRC Modernization Act of 2000 and the Rules of Court.

21 SEC. 32. *Reissuance of Revoked Certificate of Registration and*
22 *Replacement of Lost Certificate of Registration and Professional Identification*
23 *Card.* – The Board may, after two (2) years from the date of revocation of
24 the certificate of registration, reissue a certificate upon proper application. A
25 new certificate of registration and professional identification card or
26 temporary/special permit, which has been lost, destroyed or mutilated, may be
27 reissued after payment of the required fee prescribed by the Commission.

1 SEC. 36. *Vested Rights.* – All practicing mining engineers who are
2 registered as mining engineers at the time this Act takes effect shall
3 automatically be registered under this Act as mining engineers.

4 SEC. 37. *Roster of Engineers and Foremen.* – A roster showing the
5 names, registration numbers and dates of issue and expiry, current addresses,
6 place of business of all professional mining engineers, mining engineers and
7 certified mine foremen shall be prepared and kept by the Commission which
8 shall be made available to interested parties upon formal written request

9 SEC. 38. *Foreign Reciprocity.* – No foreign mining engineer shall be
10 issued a certificate of registration to practice the mining engineering profession
11 or be entitled to any of the rights and privileges under this Act unless the
12 country of which one is a subject or citizen specifically permits Filipino mining
13 engineers to practice within its territorial limits on the same basis as the
14 subjects or citizens of such foreign state or country.

15 SEC. 39. *Indication of Certificate of Registration and Professional Tax*
16 *Receipt.* – A professional mining engineer, a mining engineer or a certified
17 mine foreman shall be required to indicate the certificate of registration
18 number and the duration of validity, including the professional tax receipt
19 number and the APO membership fee receipt number on the documents one
20 signs, uses or issues in connection with the practice of the profession.

21 SEC. 40. *Posting of Certificates.* – The owner, manager or other
22 person in charge of any mine or quarry operation of a firm, co-partnership,
23 company, corporation or joint-stock association shall post, or cause to be
24 posted in a conspicuous place within the premises of such mines, the certificate
25 of registration of professional mining engineers, mining engineers and mine
26 foremen employed therein.

27 SEC. 41. *Integration of the Practitioners of Mining Engineering.* –
28 For effective regulation, all professional mining engineers, mining engineers

1 and certified mine foremen, regardless of individual aggrupations. shall be
2 integrated into one (1) national professional organization which shall be duly
3 registered with the Securities and Exchange Commission (SEC). The Board,
4 subject to approval by the Commission, shall accredit the said organization as
5 the one and only integrated and APO of professional mining engineers, mining
6 engineers and certified mine foremen. All professional mining engineers,
7 mining engineers and certified mine foremen whose names appear in the
8 Registry Book of these professions shall *ipso facto* or automatically become
9 members thereof and shall receive all the benefits and privileges appurtenant
10 thereto upon payment of APO membership fees and dues. Membership in the
11 integrated APO shall not be a bar to membership in other mining engineering
12 organizations.

13 ARTICLE V

14 PENAL AND GENERAL PROVISIONS

15 SEC. 42. *Penal Clause.* – The following acts shall be punishable by a
16 fine of not less than ten thousand pesos (P10,000.00) but not more than one
17 million pesos (P1,000,000.00) or imprisonment of not less than one (1) month
18 but not more than five (5) years at the discretion of the court:

19 (a) The practice of mining engineering in the Philippines as defined in
20 this Act, without a valid certificate of registration and a valid professional
21 identification card or a valid temporary/special permit in accordance with the
22 provisions of this Act, unless declared exempt from registration:

23 (b) The presentation or use of the certificate of registration and/or
24 professional identification card or temporary/special permit of another:

25 (c) The falsification or forgery of evidencce;

26 (d) The impersonation of any registrant of like or different name:

27 (e) The use of a revoked or suspended certificate of registration and/or
28 a valid professional identification card or a valid temporary/special permit or

1 an expired/noncurrent professional identification card, or an expired cancelled
2 temporary/special permit; and

3 (f) The assumption, use or advertisement of any title or description
4 tending to convey the impression that one is a mining engineer without having
5 completed the academic requirements and conferred the appropriate
6 baccalaureate degree for such, or is engaged in the mining engineering practice
7 without holding a valid certificate of registration and a valid professional
8 identification card or a valid temporary/special permit from the Board.

9 SEC. 43. *Legal Effect on Other Professions.* – This Act shall not
10 affect or prevent the practice of any other legally recognized profession.

11 SEC. 44. *Enforcement of the Act by the Officers of the Law.* – The
12 Board shall be assisted by the Commission in carrying out the provisions of
13 this Act and its IRR and other policies. The lawyers of the Commission shall
14 act as the prosecutors against illegal practitioners and other violations of this
15 Act and its rules. The duly constituted authorities of government shall likewise
16 assist the Board and the Commission in enforcing the provisions of this Act
17 and its rules.

18 SEC. 45. *Implementing Rules and Regulations (IRR).* – Within sixty
19 (60) days, subject to the approval of the Commission, the Board, in
20 consultation with the APO, shall adopt and promulgate the IRR, the Code of
21 Ethics, and the Code of Professional and Technical Standards for Mining
22 Engineers to carry out the provisions of this Act.

23 SEC. 46. *Funding Provision.* – The Chairperson of the Professional
24 Regulation Commission shall immediately include in the Commission's
25 programs the implementation of this Act, the funding of which shall be
26 included in the annual General Appropriations Act.

27 SEC. 47. *Transitory Provisions.* – (a) Faculty members currently
28 teaching major mining engineering subjects in universities, colleges, institutes

1 or schools shall not be allowed to continue teaching after five (5) years from
2 the approval of this Act, unless they are or they have become mining engineers
3 and have earned a Master's Degree in Mining Engineering or its equivalent
4 from duly recognized and accredited universities, colleges, institutes or
5 schools, and have at least five (5) years of practical experience in an open pit
6 and/or underground mine.

7 (b) The incumbent Chairperson and members of the Board shall
8 automatically be issued certificates of registration and professional
9 identification cards as professional mining engineers. They shall continue to
10 function in the Board until such time as a new Board shall have been
11 constituted under this Act.

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

15 SEC. 49. *Repealing Clause.* -- Republic Act No. 4274, as amended,
16 otherwise known as the "Mining Engineering Law of the Philippines", is
17 hereby repealed. All other laws, parts of law, orders, ordinances or regulations
18 relative to the practice of mining engineering which are inconsistent with the
19 provisions of this Act are hereby repealed or modified accordingly.

20 SEC. 50. *Effectivity.* – This Act shall take effect fifteen (15) days
21 after its publication in the *Official Gazette* or in a newspaper of general
22 circulation.

Approved,

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