Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

EIGHTEENTH CONGRESS
First Regular Session

House Bill No. 1470

Introduced by: Hon. Divina Grace C. Yu

EXPLANATORY NOTE

The existing Republic Act No. 4274 or the Mining Engineering Law, which was enacted in 1965, has become largely obsolete in the effective regulation of the practice of the Mining Engineering profession under present times. Hence, the urgent need to amend and update the same to be more realistic and relevant to current professional practice of Mining Engineers in the Philippines.

The proposed measure underscores the need to develop competent, virtuous, productive and well-rounded Mining Engineers whose standards of professional practice and service shall be excellent, qualitative, world-class and globally competitive through regulatory measures, programs and activities.

The increasing scope of application of the Mining Engineering profession now necessitates the need to re-define the practice of the said profession and establish the scope of the same. The advent of technology advancement in the mineral industry over the past three decades has led to the creation of various fields of expertise and specialization such as but not limited to computer applications, etc. Said technology has resulted to greater economic appreciation of laws and the need to effectively address the social concerns of local mining communities has become essential aspects of all mining and mineral processing professions and operations in the country. Effectively, the proposed bill is designed to create more job opportunities to Filipino Mining Engineers.

HON. DIVINA GRACE C. YU
1st District, Zamboanga del Sur
AN ACT

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

Article I

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

Section 1. Title – This Act shall be known as the “Mining Engineering Act of 2019”.

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

Sec. 3. Objectives – This Act shall govern but shall not be limited to:
(a) the examination, registration, and licensure of professional
mining engineers, mining engineers, and certified mine
foremen;
(b) the supervision, control and regulation of the practice of
mining engineering;
(c) the development and upgrading of the curriculum of the
mining engineering profession;
(d) the promotion of the professional competence of mining
engineers through continuing professional
development/education; and
(e) the integration of the mining engineering profession.

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

(a) “Practice of mining engineering” shall mean the rendering or
offering of mining engineering services for a fee, salary,
reward or compensation, paid to him/her or through another
person or persons, or even without such reward or
compensation.
(b) “Mine” shall mean all kinds of excavations and/or
extractions aimed at extracting minerals/materials, energy
resources or groundwater resources for beneficial usages in
the context of responsible mining and sustainable
development.
(c) “Mineral/ore resource” shall mean a concentration or
occurrence of minerals/materials of intrinsic economic
interest in or on the earth’s crust in such form and quantity
that there are reasonable prospects for eventual economic
extraction.
(d) “Mineral/ore reserve” shall mean that portion of a mineral
resource that is economically mineable and which, after the
application of all mining factors, result in an estimated
tonnage and grade, and, based on the certification of the
mining engineer making the estimates, could be the basis of
a viable project after taking into account all relevant mining,
metallurgical, economic, marketing, legal, environmental,
and governmental factors.

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

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

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

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

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

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

(b) Calculation, estimation and certification of mineral, energy
and water reserves, preparation of mine feasibility studies;
mine valuation or auditing; and mine consulting;
(c) Participation in the preparation of environmental studies for mining projects and monitoring under the Environmental Impact Assessment (EIA) system;

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

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

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

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

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

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

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

Article II

CREATION OF THE PROFESSIONAL REGULATORY BOARD OF MINING ENGINEERING

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

Sec. 7. Powers and Duties of the Board – The Board shall
have the following powers and duties:

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

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

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

(d) Issue together with the Commission, Certificates of
Registration and Professional Identification Cards to
applicants who have passed the licensure examinations for
registered mining engineers;

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

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

(g) Inspect the facilities, faculty, equipment and other aspects
directly related to the mining engineering program of
(h) Adopt the Implementing Rules and Regulations (IRR) necessary for carrying out the provisions of this Act;

(i) Adopt a Code of Ethics and a Code of Professional and Technical Standards for the practice of the Mining Engineering profession;

(j) Investigate, in accordance with the rules on administrative investigation promulgated by the Commission, violations of this Act and its Implementing Rules and Regulations, the Code of Ethics and the Code of Professional and Technical Standards for mining engineers, administrative policies, orders and issuances promulgated by the Board;

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

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

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

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

(o) Submit an annual report on the proceedings and accomplishments during the year and/or recommendations of the Board to the Commission thirty (30) days after the close of each calendar year;
(p) Prosecute or institute criminal action against any violator of this Act and/or rules and regulations of the Board;
(q) Prescribe guidelines and criteria on the Continuing Professional Education (CPE) program for mining engineers in consultation with the integrated and accredited professional organization of mining engineers; and
(r) Perform regulatory, administrative, and quasi-legislative functions as mandated under R.A. 8981 otherwise known as the Professional Regulation Commission Modernization Act, and such other functions as may be necessary in order to implement the provisions of this Act.

Sec. 8. Qualifications of the Chairperson and Members of the Board – The Chairperson and members of the Board, at the time of his/her appointment must be:

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

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

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

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

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

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

(a) gross negligence, incompetence or dishonesty in the discharge of his/her duty;
(b) violation of any of the causes/grounds and the prohibited
acts provided in this Act and the offenses in the Revised
Penal Code, the Anti-Graft and Corruption Practices, and
other laws, or
(c) manipulation or rigging of the licensure examination result
for mining engineering, disclosure of secret and confidential
information on the examination questions prior to the
conduct thereof, or tampering of grades.

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

**Article III**

**Licensure Examination and Registration**

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

(a) Professional Mining

(b) Mining Engineer

(c) Certified Mine Foreman

**Sec. 15. Passing of Licensure Examination Requirement** –
Except as otherwise specifically allowed under this Act, applicants for
registration for the practice of mining engineering shall be required to
pass a licensure examination as provided for in this Act in such places
and dates as the Commission may designate in accordance with the
provisions of R.A. No. 8981 or the PRC Modernization Act of 2000.

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

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

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

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

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

(a) he/she is a citizen of the Philippines or a foreign citizen whose country has reciprocity agreement with the Philippines;
(b) he/she holds a degree of Bachelor of Science in Mining Engineering from a university, school, college, academy, or institute duly constituted and recognized as such by the government; and
(c) he/she must not have been convicted by a court of law of a crime involving moral turpitude.

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

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

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

Sec. 20. - Qualifications of Applicants for Professional Mining Engineer – An applicant for registration as a Professional Mining Engineer must, at the time of filing of his/her application, establish to the satisfaction of the Board that:

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

(b) he/she has a valid certificate of registration as Mining Engineer and a holder of a valid Professional Identification Card;

(c) he/she has graduated from an engineering school or college of recognized standing, after completing an approved course in mining engineering;
(d) he/she has a specific record of a total of ten (10) years or more of active and continuous mining engineering practice prior to his/her registration;

(e) he/she holds at least one certificate of specialization in mining engineering as specified under Section 26 thereof; and

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

Sec. 21. Qualifications of Applicants for Mine Foreman -

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

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

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

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

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

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

(f) he/she is competent to be a mine or quarry foreman as certified and attested to by the accredited professional association of mining engineers.
Sec. 22. Examination Fees – Any applicant admitted to take the mining engineering examination shall pay such fees as may be prescribed by the Commission before he/she is allowed to take the same.

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

Sec. 24. Report of Ratings – The Board shall complete the correction of examination papers within three (3) days from the last day of examinations. The Commission shall report the rating of examinees not more than thirty (30) days after the Board has completed the correction of examination papers.

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

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

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

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

Sec. 28. Fees for Registration – Every person issued a
Certificate of Registration shall pay to the Commission such fees as
the Commission may prescribe.

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

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

(b) foreign Mining Engineers who have distinguished themselves
in their respective fields of specialization, contracted as
professors or lecturers on mining engineering subjects by
Philippine schools, or colleges, institutes or universities on a
direct hire or exchange basis, subject to verification of
credentials by the Board; or
(c) foreign Mining Engineers who are duly registered under
the bilateral or multilateral agreements where the Philippines
is a signatory.

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

Sec. 30. Refusal to Register – The Board shall not register any
successful applicant for registration with or without licensure
examination who has been:
(a) convicted of an offense involving moral turpitude by a court
of competent jurisdiction;
(b) found guilty of immoral or dishonorable conduct by the
Board;
(c) summarily adjudged guilty for violation of the General
Instruction to Examinees by the Board; and
(d) declared of unsound mind by a court of competent
jurisdiction.

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

Sec. 31. Revocation or Suspension of the Certificates of
Registration and Cancellation of Temporary/Special Permit – The
Board shall have the power, upon notice of hearing, to revoke or
suspend the certificate of registration of a Professional Mining
Engineer, Mining Engineer or Certified Mine Foremen to cancel a
temporary/special permit granted to a foreign mining engineer, for
violation of any of the grounds or causes in Sec. 30 of this Act, except
(c) thereof and on any of the following grounds:
(a) violation of a provision of this Act, its Implementing Rules and Regulations, Code of Ethics, and Code of Professional and Technical Standards for the practice of mining engineering;
(b) perpetration or use of fraud in obtaining his/her certificate of registration, professional identification card, or temporary/special permit;
(c) gross incompetence, negligence or ignorance resulting to death, injury or damage;
(d) any act of misrepresentation in connection with an alleged performance of mining engineering activities;
(e) acts inimical to the mining engineering profession;
(f) gross immorality;
(g) conviction by final judgment of any act involving moral turpitude;
(h) aiding or abetting the illegal practice of a non-registered and non-licensed mining engineer by allowing him/her to use his/her certificate of registration and/or professional identification card, or his/her temporary/special permit;
(i) illegally practicing the profession during his/her suspension from the practice thereof; or
(j) addicted to a drug or alcohol abuse impairing his/her ability to practice his/her profession, or declared with an unsound mind by a court of competent jurisdiction.

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

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

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

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

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

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

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

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

PRACTICE OF MINING ENGINEERING

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

Sec. 35. Who May Practice Mining Engineering – Except as may be otherwise provided in this Act, only persons properly licensed and registered may practice mining engineering in the country. No firm, partnership, corporation or association may be licensed and registered as such for the practice of mining engineering. Duly licensed professional mining engineers and/or mining engineers may form partnerships among themselves and use the title “Mining Engineers” or “Professional Mining Engineers”, or “Engineers” in their partnership name.

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

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

Sec. 38. Foreign Reciprocity – No foreign mining engineer shall be granted any of the rights and privileges under this Act unless the country of which he/she is a subject or citizen grants the same or similar rights or privileges to Filipino mining engineers.

Sec. 39. Indication of Certificate of Registration and Professional Tax Receipt – A Professional Mining Engineer, a Mining
Engineer or a Certified Mine Foreman shall be required to indicate his/her Certificate of Registration number, the duration of validity, including the professional tax receipt number and APO Membership Fee Receipt number on the documents he/she signs, uses or issues in connection with the practice of his/her profession.

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

**Sec. 41. Integration of the Mining Engineering Profession** – The mining engineering profession shall be integrated into one (1) national professional organization composed of professional mining engineers, mining engineers and certified mine foremen and shall be duly registered with the Securities and Exchange Commission (SEC). The Board, subject to approval by the Commission shall accredit the said organization as the one and only integrated and accredited professional organization (APO) of professional mining engineers, mining engineers and certified mine foremen. All professional mining engineers, mining engineers and certified mine foremen whose names appear in the Registry Book of these professionals shall *ipso facto* or automatically become members thereof and shall receive all the benefits and privileges appurtenant thereto upon payment of APO membership fees and dues.

Membership in the integrated accredited professional organization shall not be a bar to membership in other mining engineering organizations.

**ARTICLE V**

**PENAL AND GENERAL PROVISIONS**

**Sec. 42. Penal Clause** – The following shall, upon conviction, be punished by a fine of not less than Ten Thousand Pesos (P10,000.00)
but not more than One Million Pesos (P1,000,000.00) or imprisonment
of not less than one (1) month but not more than five (5) years at the
discretion of the court:

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

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

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

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

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

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

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

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

Sec. 45. Implementing Rules and Regulations – Subject to
the approval of the Commission, the Board in consultation with the
APO shall adopt and promulgate such implementing rules and
regulations and the Code of Ethics and Code of Professional and
Technical Standards of Mining Engineers to carry out the provisions of
this Act.

Sec. 46. Funding Provision – The Chairperson of the
Professional Regulation Commission shall immediately include in the
Commission’s programs the implementation of this Act, the funding of
which shall be included in the Annual General Appropriations Act.

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

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

Sec. 48. Separability Clause – If any section or portion of this
Act shall be declared unconstitutional or invalid, such shall not
invalidate any other section of this Act.
Sec. 49. Repealing Clause - R.A. 4274, as amended, is hereby repealed. All other laws, parts of law, orders, ordinances, or regulations relative to the practice of mining engineering which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

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

Approved.