REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City
EIGHTEENTH CONGRESS
First Regular Session
House Bill No. 1966

Introduced by MAGDALO Party-List Representative
HON. MANUEL DG. CABOCHAN III

EXPLANATORY NOTE

The Philippine mining industry is a major contributor to the Gross Domestic Product (GDP) of the country and has been experiencing robust growth in recent years. The strength of the mining industry has attracted the attention of both foreign and domestic investors, and has seen the emergence of business and professional groups who adopted and formulated professional titles, technical standards and mineral reporting codes without any authorization from law. In the absence of clear-cut provisions in the Mining Engineering Law of 1965, these professional titles, technical standards and mineral reporting codes have been adopted and used by some business and professional groups, and implemented by non-Mining Engineers to the detriment of the majority of Registered Mining Engineers.

Furthermore, the Philippine Government, through the Department of Trade and Industry (DTI), has already signed with other Southeast Asian countries, an ASEAN Mutual Recognition Act which would eventually allow foreign Mining Engineers to practice in the Philippines. This is in violation of the Philippine Constitution. Moreover, several private groups such as the APEC Engineer, in which the Professional Regulations Commission is a member, has been issuing professional titles such as APEC Engineers while there are also some who has been issuing professional titles such as ASEAN Engineers, Competent Persons, and Qualified Persons. These unauthorized activities have caused confusion in the Philippine Mining Industry particularly among Registered Mining Engineers because such activities tend to discriminate against majority of Registered Mining Engineers and eliminate many of the rights and privileges already granted to them by RA 4274 or the Mining Engineering Act of 1965.

To this end, there is a need to protect the vested rights and privileges of Registered Mining Engineers in good standing with the Professional Regulations Commission (PRC), and to update the Mining Engineering Act of 1965, to harmonize it with other engineering professions and make the mining industry more professionally competitive.

In view thereof, passage of this bill is urgently sought.

MANUEL DG. CABOCHAN III
Representative
Magdalo Para sa Pilipino Party-List
REPUBLIC OF THE PHILIPPINES  
HOUSE OF REPRESENTATIVES  
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Introduced by MAGDALO Party-List Representative  
HON. MANUEL DG. CABOCHAN III  

AN ACT  

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

ARTICLE I  
GENERAL PROVISIONS  

SECTION 1. Title.- This Act shall be known as the "New Mining Engineering Act."  

SEC. 2. Declaration of Policy. - It is hereby declared the policy of the State to supervise and regulate the practice of mining engineering which is vital to national development; and upgrade the quality of mining engineers whose standards of professional practice shall be at par with the best in the world and to reserve the practice of mining engineering to Filipino citizens.  

SEC. 3. Objectives. - This Act shall govern:  

a) the examination, registration, and licensure of professional mining engineers, registered mining engineers and certified mine foremen;  
b) the supervision, control, and regulations of the practice of mining engineering;  
c) the development and upgrading of the curriculum of mining engineering profession;  
d) the development of the professional competence of mining engineers through continuing professional education; and  
e) the integration of the mining engineering profession.
SEC. 4. Definition of Terms. - As used in this Act, the following terms shall mean as follows:

a) Practice of mining engineering shall mean the rendering or offering of mining engineering services for a fee, salary, reward or compensation, paid to him/her or through another person or persons, or even without such reward or compensation. The term "practice of mining engineering" shall be synonymous to "rendering of mining engineering service".

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

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 which, after the application of all mining factors, result in an estimated tonnage and grade, that based on the certification of the mining engineer making the estimates, can be the basis of a viable project after taking into account all relevant mining, metallurgical processing, economic, marketing, legal, environmental, social and regulatory 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 usage.

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

g) Mining engineer shall mean a person who is a holder of a valid Certificate of Registration and Professional Identification Card issued by the 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 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 and/or ore reserves, preparation of mine pre-feasibility and feasibility studies; mine valuation, mine auditing, mine consulting, third party fairness opinion, third party mine audits and appraisal of mining machinery and equipment;

c) Participation in the preparation of environmental studies for mining projects and monitoring under the Environmental Impact Assessment (EIA) system that calls for knowledge of mining engineering;
d) Preparation, approval or signing of mining documents such as but not limited to mine reports, mine plans and designs, specifications or project estimates, and mining engineer's report;

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

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

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

h) Formulation of Mineral Reporting Codes and/or Engineering/Technical standards for use by Professional and Registered Mining Engineers;

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

j) Use of "E.M." after his/her name;

k) Use of a temporary permit; and

l) 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 FOR MINING ENGINEERS

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 called as the Commission, composed of a Chairman 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 mining engineers. 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) To supervise and regulate the practice of mining engineering profession;

b) To determine and evaluate the qualifications of the applicants for registration;
c) To 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) To 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) To issue temporary permits to foreign mining engineers;

f) To 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) In coordination with the Commission on Higher Education (CHED), inspect the facilities, faculty, equipment and other aspects directly related to the mining engineering program of educational institutions;

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

i) To adopt a Code of Ethics, Reporting Codes and a Code of Professional and Technical Standards for the practice of the Mining Engineering profession;

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

l) To hear and decide administrative cases filed against mining engineers and firms employing mining engineers. The hearing shall be presided by the chairman or a member of the Board with the assistance of an Attorney of 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) To administer oaths in connection with the performance of its functions;

n) To adopt an official seal and prescribe the seal of the mining engineering profession;

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

q) To 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

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

SEC. 8. Qualifications of the Chairman and Members of the Board - The Chairman
   and members of the Board, at the time of his/her appointment, must be:

a) a natural born citizen and resident of the Philippines for at least ten (10) consecutive
   years;

b) at least thirty-five(35) years of age, of proven integrity, with high moral values in his
   personal as well as his professional conduct;

c) a person with no final conviction by a court of an offense involving moral turpitude;

d) at least a holder of a Bachelor’s Degree in Mining Engineering(BSEM) from a
   university, school, college, academy or institution duly constituted, recognized and
   accredited by the Philippine Government;

e) 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 with a sworn statement as such;

f) 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

g) a member of the Accredited Professional Association of Mining Engineers but not a
   director, trustee or officer thereof.

SEC. 9. Term of Office. - The Chairman and every member of the Board shall hold
   office for a term of three (3) years after the 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 expiry 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 Chairman and Members shall qualify by taking the proper oaths prior to assumption of office.

SEC. 10. Compensation of the Board. - The Chairman and members of the Board shall receive compensation and allowances comparable to that being received by the chairman 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/Chairman - The President, upon the recommendation of the Commission after due process and administrative investigation conducted by the Commission, may remove or suspend a chairman or member of the Board on any of the following grounds:

a) gross neglect, 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; and

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 Engineer

b) Registered Mining Engineer

c) Certified Mine Foreman
SEC. 15. **Examination Requirement.** - Except as otherwise specifically allowed under this Act, all applicants for registration for the practice of mining engineering shall be required to pass the licensure examination prescribed herein.

SEC. 16. **Holding of Examination.** - Examination of candidates applying for registration as Registered 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 Registered Mining Engineer.** - In the licensure examinations for Registered Mining Engineer, the scope of examinations, methods and procedures shall be prescribed by the Board. The licensure examination shall cover, but shall not be limited to, the following subjects:

a) Mathematics (algebra, trigonometry, integral and differential calculus, probability and statistics, advanced mathematical engineering);

b) Engineering science and applied subjects (statics, dynamics, strength of materials, fluid mechanics, materials science, chemistry and physics);

c) Geology and Metallurgy; and

d) Mining Engineering, Economics, Environment, Laws and Ethics.

The Board, in consultation with the Accredited Professional Organization (APO) and 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 mine engineering profession and practice shall be prepared by the Board.

SEC. 18. **Qualifications of Applicants for Registered Mining Engineer.** - Any person applying for licensure examination as Registered 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 must be at least twenty one (21) years old;

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

d) 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 association who shall evaluate, attest and certify to the credentials of applicants to include, but not be 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 association who shall evaluate, testify and certify to the qualification of applicants through oral examinations on specific subject such, as but not limited to, mining operations, drilling and blasting, mine safety, environmental protection and pertinent mine rules and regulations.

SEC. 20. Qualifications of Applicants for Professional Mining Engineer. - An applicant for registration as 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 Registered 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 mine 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 (21) years old;

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;

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; and

e) he/she is a college graduate with at least fifteen (15) years of actual experience in mining; and 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 mining engineering examinations shall pay such fees as may be prescribed by the Commission before he/she is allowed to take the examination.

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 subject to payment of fees prescribed by the Commission. It shall bear the signatures of the Chairperson of the Commission and of the Chairman 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 therefor.

SEC. 26. Issuance of Certificates of Specialization. - Upon the nomination of the accredited professional association 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 Professional and Registered Mining Engineer. - A Professional or
Registered Mining Engineer, upon registration and payment of fees and dues to the
Commission, 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
"Registered Mining Engineer". Designs, plants, specifications, project pre-feasibility and
feasibility studies, appraisals, valuations, recommendations, technical reports, proposals, and
other professional documents involving mines, quarries, colliery 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 anyone to stamp or seal any document with the said seal after the certificate
and/or professional identification card shall have been revoked, cancelled or 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 Permits. - Temporary 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: Provided, That all
the above shall secure the temporary 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 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 the 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 Permit. - The Board shall have the power, upon notice of hearing, to revoke or suspend the certificate of registration of a Registered Mining Engineer or to cancel a temporary permit granted to a foreign mining engineer, for violation of any of the grounds or causes in Sec. 28 of this Act and 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 in obtaining his/her certificate of registration, professional identification card, or temporary 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 iminical to the mining engineering profession;

f) gross immorality;

g) conviction by final judgment of any act involving moral turpitude;

h) allowing the use of his/her certificate of registration and/or professional card or his/her temporary permit for illegal mining operations;

i) illegally practicing the profession during his/her suspension from the practice thereof;

j) knowingly engaging in a mining operation whether large, medium or small-scale, for which no mining permit has been issued by the Government;

k) knowingly participating in a mining operation that is destructive to the environment or managing or supervising a mine without an environmental permit;

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

m) use of mineral reporting codes/standards, engineering or technical standards/codes for mining engineering not authorized under the provisions of this Act; and

n) 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 or 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. Affidavit of 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 the 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. Reissuance 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, reissue a certificate upon proper application.

A new Certificate of Registration and Professional Identification Card or temporary 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) Registered 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 and consistent with the minimum personnel compliment as provided under RA 7942, otherwise known as the New Mining Act, and its IRR.*

ARTICLE IV
PRACTICE OF MINING ENGINEERING

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

SEC. 35. No Other Professional Titles Allowed. - No other professional title shall be used by any Professional or Registered Mining Engineer except those allowed by this Act and no private institution or Government Agency, including Government-Owned or Controlled Corporations, shall grant or allow the use of any other professional title for Professional or Registered Mining Engineers except those provided by this Act.
No Professional or Registered Mining Engineer shall use titles such as Competent Person, Qualified Person, APEC Engineer, ASEAN Engineer, or similar titles unless the same are authorized by law. All existing professional titles currently being used as of the effective date of this Act which are not authorized by law are hereby revoked.

SEC. 36. Engineering and Technical Standards, Mineral Reporting Codes. - No Private or Government Institution/Agency, including Government-Owned and Controlled Corporations shall formulate and adopt Engineering and Technical Standards, Mineral Reporting Codes or similar standards or codes of Practice for Professional or Registered Mining Engineers without the prior written approval of the Professional Regulations Commission upon the recommendation of the Board of Mining Engineering and a two-thirds (2/3) vote of all Professional and Registered Mining Engineers in good standing with the PRC in a general membership meeting of the Accredited Professional Organization, supervised by the Commission and specifically called for the purpose.

All engineering and technical standards and mineral reporting codes currently being implemented but is not duly approved pursuant to this section are hereby revoked.

SEC. 37. 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 registered mining engineers may form partnerships among themselves and use the title "Mining Engineers" or "Professional Mining Engineers", or "Engineers" in their partnership name.

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

a) Sworn Statement that:

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

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

b) Clearance from the Philippine National Police (PNP), Barangay, National Bureau of Investigation (NBI), Ombudsman, Sandiganbayan and Provincial/City Prosecutor;

and

c) Letter of Intent to the Commission indicating his/her intention to avail of this privilege under this Act.
Upon submission of all of the above requirements, the Commission shall execute the ministerial function of forthwith issuing a Certificate of Registration as Professional Mining Engineer to the applicant Registered Mining Engineer together with the Professional Mining Engineer Identification card without any further conditions.

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

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

SEC. 39. 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 and Registered 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. 40. Foreign Reciprocity. - No foreign mining engineer shall be granted any of the right and privilege 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. 41. Indication of License and Professional Tax Receipt. - The Professional or Registered Mining Engineer shall be required to indicate his/her Professional License number, the duration of validity, including the professional tax receipt number on the documents he/she signs, uses or issues in connection with the practice of his/her profession.

SEC. 42. Posting of Certificates. - The owner, manager or other person in charge of any mine or quarry operation of a firm, co-partnership, company, corporation, or joint stock association, shall post or cause to be posted in conspicuous place within the premises of such mines, the certificate of registration of Professional and Registered Mining Engineers and Certified Mine Foremen employed therein.

SEC. 43. Integration of the Mining Engineering Profession. - The mining engineering profession shall be integrated into one (1) national organization of mining engineers that is 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 mining engineers. All mining engineers whose names appear in the Registry Book of Mining engineers shall ipso facto or automatically become members thereof and shall receive therefrom all the benefits and privileges 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 associations.
ARTICLE V

PENAL AND GENERAL PROVISIONS

SEC. 44. Penal Clause. - Any person who shall practice mining engineering in the Philippines as defined in this Act without a certificate of registration in accordance with the provisions of this Act, or any person presenting or using as his/her own the certificate of registration of another, or any person who shall give any false or forged evidence, or any person who shall impersonate any registrant of like or different name, or any person who shall use a revoked or suspended certificate of registration, or 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 being registered as such, or is engaged in the mining engineering practice, without holding a valid certificate of registration from the Board or any Professional or Registered Mining Engineer who shall use any other professional title such as Competent Person, Qualified Person, APEC Engineer, ASEAN Engineer or similar titles not authorized by law, or adopt/use engineering and technical standards, mineral reporting codes or similar standards not authorized by this ACT, shall, upon conviction, be sentenced to a fine of not less than One Million Pesos (Php 1,000,000.00) nor more than Ten Million Pesos (Php 10,000,000.00) or imprisonment of not less than one (1) month nor more than five (5) years or both at the discretion of the Court.

In the event that officials and employees of the Professional Regulations Commission and/or of the Board of Mining Engineering, including the Chairman, Commissioners and Members of the Board of Examiners or any other officer/s and/or employee/s of the Philippine Government violate this Act, they shall upon, conviction, suffer a penalty double the above penalties.

SEC. 45. Act Not Affecting Other Professions. - This Act shall not affect or prevent the practice of any other legally recognized profession.

SEC. 46. 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. 47. Implementing Rules and Regulations. - Subject to the approval of the Commission, the Board 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, which shall be effective after thirty (30) days following their publication in the Official Gazette or in a major newspaper of general circulation.
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 and 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 Clause.** - This Act shall take effect fifteen days following its publication in the Official Gazette or in at least two (2) major daily newspaper of general circulation in the Philippines.

Approved,