



HOUSE OF REPRESENTATIVES

H. No. 4693

BY REPRESENTATIVES YU, PIAMONTE, SALVACION, ABAYA, ABAYON,
PRIMICIAS-AGABAS, PALMONES, PAEZ, CORTUNA, LIMKAICHONG,
PADILLA, ILAGAN, ALBANO, ALMARIO AND TEODORO,
PER COMMITTEE REPORT NO. 943

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

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

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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 2011".

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

1 the Philippines whose standards of professional practice shall be excellent,
2 world-class and globally competitive through regulatory measures, programs
3 and activities.

4 SEC. 3. *Objectives.* – This Act shall govern but shall not be limited to:

5 (a) The examination, registration, and licensure of professional mining
6 engineers, mining engineers and certified mine foremen;

7 (b) The supervision, control and regulation of the practice of mining
8 engineering;

9 (c) The development and upgrading of the curriculum of the mining
10 engineering profession;

11 (d) The promotion of the professional competence of mining engineers
12 through continuing professional development/education; and

13 (e) The integration of the mining engineering profession.

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

16 (a) *Practice of mining engineering* shall mean the rendering or offering
17 of mining engineering services for a fee, salary, reward or compensation paid
18 directly or through another person or persons, or even without such reward or
19 compensation.

20 (b) *Mine* shall mean all kinds of excavations and/or extractions aimed
21 at extracting minerals/materials, energy resources or groundwater resources for
22 beneficial usages in the context of responsible mining and sustainable
23 development.

24 (c) *Mineral/ore resource* shall mean a concentration or occurrence of
25 minerals/materials of intrinsic economic interest in or on the earth's crust in
26 such form and quantity that there are reasonable prospects for eventual
27 economic extraction.

1 (d) *Mineral/ore reserve* shall mean that portion of a mineral resource
2 that is economically mineable and which, after the application of all mining
3 factors, result in an estimated tonnage and grade, and, based on the
4 certification of the mining engineer making the estimates, could be the basis of
5 a viable project after taking into account all relevant mining, metallurgical,
6 economic, marketing, legal, environmental, social and governmental factors.

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

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

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

15 (h) *Professional mining engineer, mining engineer, certified mine*
16 *foreman* shall mean persons who hold valid certificates of registration and
17 professional identification cards issued by the Professional Regulatory Board
18 of Mining Engineering and the Professional Regulation Commission.

19 SEC. 5. *Scope of Practice.* – A person shall be deemed to be
20 practicing the profession of mining engineering or rendering mining
21 engineering services within the meaning and intent of this Act when one
22 performs, but not be limited to, any or all of the following:

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

26 (b) Calculation, estimation and certification of mineral, energy and
27 water reserves, preparation of mine feasibility studies; mine valuation or
28 auditing; and mine consulting;

1 (c) Participation in the preparation of environmental studies for mining
2 projects and monitoring under the Environmental Impact Assessment (EIA)
3 System;

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

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

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

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

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

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

19 (j) All other functions, services and activities which, in the assessment
20 and opinion of the Board, the same constitute the practice of mining
21 engineering.

22 ARTICLE II

23 CREATION OF THE PROFESSIONAL REGULATORY

24 BOARD OF MINING ENGINEERING

25 SEC. 6. *Composition of the Board of Mining Engineering.* – There is
26 hereby created a Professional Regulatory Board of Mining Engineering,
27 hereinafter referred to as the Board, under the administrative control and
28 supervision of the Professional Regulation Commission, hereinafter referred to

1 as the Commission, composed of a chairperson and two (2) members to be
2 appointed by the President of the Philippines from among those recommended
3 by the Commission from the nominees of the duly accredited professional
4 organization (APO) of professional mining engineers, mining engineers and
5 certified mine foremen. The new Board shall be constituted three (3) months
6 from the effectivity of this Act.

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

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

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

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

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

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

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

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

4 (h) Adopt the implementing rules and regulations (IRR) necessary for
5 carrying out the provisions of this Act;

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

8 (j) Investigate, in accordance with the rules on administrative
9 investigation promulgated by the Commission, violations of this Act and its
10 IRR, the Code of Ethics and the Code of Professional and Technical Standards
11 for mining engineers, administrative policies, orders and issuances
12 promulgated by the Board;

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

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

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

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

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

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

3 (q) Prescribe guidelines and criteria on the Continuing Professional
4 Education (CPE) program for mining engineers in consultation with the
5 integrated and accredited professional organization of mining engineers; and

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

10 SEC. 8. *Qualifications of the Chairperson and Members of the*
11 *Board.* – The chairperson and members of the Board shall, at the time of their
12 appointment, possess the following qualifications:

13 (a) Must be a citizen and a resident of the Philippines;

14 (b) Must be at least a holder of a bachelor's degree in mining
15 engineering as conferred by an engineering school of good standing,
16 recognized and accredited by the government;

17 (c) Must be a professional mining engineer with a valid certificate of
18 registration and professional identification card and an active practitioner for
19 not less than ten (10) continuous years prior to his/her appointment;

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

27 (e) Must be a member of the APO of mining engineers but not a trustee
28 or officer thereof.

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

8 The chairperson and members of the Board shall qualify by taking the
9 proper oaths prior to assumption of office.

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

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

22 SEC. 12. *Grounds for Removal or Suspension of the Chairperson and*
23 *Members of the Board.* – The President of the Philippines, upon the
24 recommendation of the Commission, after due process and administrative
25 investigation conducted by the Commission, may remove or suspend the
26 chairperson or a member of the Board on any of the following grounds:

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

1 (b) Violation of any of the causes/grounds and the prohibited acts
2 provided in this Act and the offenses in the Revised Penal Code, the Anti-Graft
3 and Corrupt Practices Act and other laws; or

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

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

11 ARTICLE III

12 LICENSURE EXAMINATION AND REGISTRATION

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

15 (a) Professional Mining Engineer;

16 (b) Mining Engineer; and

17 (c) Certified Mine Foreman.

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

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

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

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

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

15 SEC. 18. *Qualifications of Applicants for Mining Engineer.* –
16 Applicants for the licensure examination for mining engineers shall establish to
17 the satisfaction of the Board that they possess the following qualifications:

18 (a) A citizen of the Philippines or a foreign citizen whose country has
19 reciprocity agreement with the Philippines;

20 (b) A holder of a degree of Bachelor of Science in Mining Engineering
21 from a university, school, college, academy or institute duly constituted and
22 recognized as such by the government; and

23 (c) Must not have been convicted by a court of law of a crime
24 involving moral turpitude.

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

1 (a) Professional Mining Engineer. -- The granting of certificates of
2 registration to professional mining engineers shall be testimonial in nature.
3 Candidates for certification shall be nominated by the APO which shall
4 evaluate, attest and certify to the credentials of applicants to include, but not
5 limited to, an enumeration of experience and presentation of a mining
6 engineering report or technical paper pertinent to their line of experience.

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

16 SEC. 20. *Qualifications of Applicants for Professional Mining*
17 *Engineer.* -- Applicants for registration as professional mining engineers shall,
18 at the time of the filing of their applications, establish to the satisfaction of the
19 Board that they possess the following qualifications:

20 (a) A citizen of the Philippines or a foreign citizen whose country has
21 reciprocity agreement with the Philippines;

22 (b) Has a valid certificate of registration as mining engineer and a
23 holder of a valid professional identification card;

24 (c) Has graduated from an engineering school or college of recognized
25 standing, after completing an approved course in mining engineering;

26 (d) Has a specific record of a total of ten (10) years or more of active
27 and continuous mining engineering practice prior to the registration;

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

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

5 SEC. 21. *Qualifications of Applicants for Mine Foreman.* --

6 Applicants for registration as mine foremen shall establish to the satisfaction of
7 the Board that they possess the following qualifications:

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

9 (b) Of good reputation and moral character;

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

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

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

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

20 SEC. 22. *Examination Fees.* -- Any applicant admitted to take the
21 mining engineering examination shall pay such fees as may be prescribed by
22 the Commission before one is allowed to take the same.

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

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

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

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

18 SEC. 26. *Issuance of Certificates of Specialization.* -- Upon the
19 nomination of the APO of mining engineers, the Board shall issue a certificate
20 of specialization to an applicant who is a registered mining engineer and who
21 has specialized knowledge, training and experience in a specific field of
22 mining and has documented one's expertise and competence on the same.

23 SEC. 27. *Seal of a Professional and Registered Mining Engineer.* --
24 A professional mining engineer or a mining engineer, upon registration and
25 payment of fees and dues to the APO, shall obtain a seal of such design
26 prescribed by the Board, bearing the registrant's name, certificate number and
27 the legend "Professional Mining Engineer" or "Mining Engineer". Designs,
28 plans, specifications, project feasibility studies, appraisals, valuations,

1 recommendations, technical reports, proposals and other professional
2 documents involving mines, quarries, coallier works, projects or installations
3 shall be stamped on every sheet with the said seal of the registrant when filed
4 with government authorities or when submitted or used professionally:
5 *Provided*, That it shall be unlawful for anyone to stamp or seal any document
6 with the said seal after the certificate and/or professional identification card
7 shall have been revoked or cancelled or has expired.

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

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

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

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

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

1 SEC. 30. *Refusal to Register.* -- The Board shall not register any
2 successful applicant for registration with or without licensure examination who
3 has been:

4 (a) Convicted of an offense involving moral turpitude by a court of
5 competent jurisdiction;

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

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

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

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

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

21 (a) Violation of a provision of this Act, its IRR, Code of Ethics and
22 Code of Professional and Technical Standards for the practice of mining
23 engineering;

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

26 (c) Gross incompetence, negligence or ignorance resulting to death,
27 injury or damage;

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

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

4 (f) Gross immorality;

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

6 (h) Aiding or abetting the illegal practice of a nonregistered and
7 nonlicensed mining engineer by allowing the use of one's certificate of
8 registration and/or professional identification card, or temporary/special
9 permit;

10 (i) *Illegal practice of the profession during the suspension from the*
11 *practice thereof; or*

12 (j) Addiction to drugs or alcohol impairing the ability to practice the
13 profession, or a declaration by a court of competent jurisdiction that the
14 registrant is of unsound mind.

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

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

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

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

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

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

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

1 (a) The practice of mining engineering in the Philippines as defined in
2 this Act, without a valid certificate of registration and a valid professional
3 identification card or temporary/special permit in accordance with the
4 provisions of this Act, unless declared exempt from registration;

5 (b) The presentation or use of the certificate of registration and/or
6 professional identification card or temporary/special permit of another;

7 (c) The falsification or forgery of evidence;

8 (d) The impersonation of any registrant of like or different name;

9 (e) The use of a revoked or suspended certificate of registration, and/or
10 a valid professional identification card, or a valid temporary/special permit or
11 an expired/noncurrent professional identification card, or an expired cancelled
12 temporary/special permit; and

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

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

21 SEC. 44. *Enforcement of the Act by the Officers of the Law.* – The
22 Board shall be assisted by the Commission in carrying out the provisions of
23 this Act and its IRR and other policies. The lawyers of the Commission shall
24 act as the prosecutors against illegal practitioners and other violations of this
25 Act and its rules. The duly constituted authorities of government shall likewise
26 assist the Board and the Commission in enforcing the provisions of this Act
27 and its rules.

1 SEC. 45. *Implementing Rules and Regulations.* – Subject to the
2 approval of the Commission, the Board, in consultation with the APO, shall
3 adopt and promulgate the IRR, the Code of Ethics, and the Code of
4 Professional and Technical Standards for Mining Engineers to carry out the
5 provisions of this Act.

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

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

18 (b) The incumbent chairperson and members of the Board shall
19 automatically be issued certificates of registration and professional
20 identification cards as professional mining engineers. They shall continue to
21 function in the Board until such time as a new Board shall have been
22 constituted under this Act.

23 SEC. 48. *Separability Clause.* – If any section or portion of this Act
24 shall be declared unconstitutional or invalid, such shall not invalidate any other
25 section of this Act.

1 SEC. 49. *Repealing Clause.* – Republic Act No. 4274, as amended, is
2 hereby repealed. All other laws, parts of law, orders, ordinances or regulations
3 relative to the practice of mining engineering which are inconsistent with the
4 provisions of this Act are hereby repealed or modified accordingly.

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

Approved,

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