



HOUSE OF REPRESENTATIVES

H. No. 6409

BY REPRESENTATIVES GONZALEZ, CUA (J.), CERILLES, ALMARIO, YU,
CHATTO, DUMPIT, BARZAGA, CAGAS, COQUILLA, MAGSAYSAY,
SILVERIO, BAGATSING, TEODORO, GONZALES (N.) AND DE GUZMAN,
PER COMMITTEE REPORT NO. 2058

AN ACT REGULATING THE PRACTICE OF GEOLOGY IN THE
PHILIPPINES, REPEALING FOR THE PURPOSE REPUBLIC ACT
NUMBERED FOUR THOUSAND TWO HUNDRED NINE (R.A.
NO. 4209), OTHERWISE KNOWN AS "GEOLOGY PROFESSION
LAW OF THE PHILIPPINES" AND FOR OTHER PURPOSES

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

1 ARTICLE I

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

4 SECTION 1. *Title.* – This Act shall be known as the "Geology
5 Profession Act of 2009".

6 SEC. 2. *Statement of Policy.* – It is hereby declared the policy of the
7 State to supervise and regulate the practice of geology which is vital to national
8 development; upgrade geology education and the quality of geologists; and
9 establish standards of professional practice which shall be excellent,

1 world-class and globally competitive through regulatory measures, programs
2 and activities.

3 SEC. 3. *Scope.* – This Act shall govern, but shall not be limited to:

4 (a) The examination, registration and licensure of geology profession;

5 (b) The supervision, control and regulation of the practice of geology;

6 (c) The development and upgrading of the curriculum of geology
7 education;

8 (d) The development of the professional competence of geologists
9 through continuing professional development/education; and

10 (e) The integration of the geology profession.

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

13 (a) “Practice of geology” shall mean the offering or rendering of
14 services of any of the specialized branches of geology for a fee, salary, reward
15 or compensation, paid to him/her or through another person or persons, or even
16 without such reward or compensation.

17 (b) “Board” shall mean the Board of Geology.

18 (c) “Accredited Professional Organization (APO)” shall mean the
19 professional organization duly accredited by the Professional Regulatory
20 Board of Geology and the Professional Regulation Commission (PRC).

21 (d) “Continuing Professional Development/Education (CPDE)” shall
22 mean the inculcation, assimilation and acquisition of knowledge, skills,
23 proficiency and ethical and moral values, after the initial registration of a
24 professional that raise and enhance his/her professional’s technical skills and
25 competence.

26 SEC. 5. *Scope of Practice.* – A person shall be deemed to be practicing
27 geology or rendering geological service in government, industry and the
28 academe when he/she undertakes geological work for a fee, salary or

1 remuneration, or even without such reward or compensation. The scope of
2 practice of a geologist shall include, but not be limited to, the following:

3 (a) General geological survey or mapping, whether onshore or
4 offshore, to identify different types of rocks, geologic structures, metalliferous
5 and nonmetalliferous mineral deposits and/or energy resources such as
6 petroleum, gas, coal, geothermal and other renewable energy resources, as well
7 as ground water resources;

8 (b) Mineral exploration for metalliferous and nonmetalliferous mineral
9 resources and ore reserves outside active mining areas and/or mine exploration
10 to locate extensions or ore bodies inside mine operating areas;

11 (c) Geological exploration for energy resources like petroleum, gas and
12 coal, and/or geothermal resources;

13 (d) Study of geohazards due to faulting, volcanism, ground subsidence,
14 groundwater pollution, weathering and erosion; their characteristics, and
15 impact to the environment;

16 (e) Hydrogeological studies which include search for underground and
17 surficial water resources, and determining their characteristics, location, depth
18 and volume, including groundwater vulnerability assessment;

19 (f) Investigation and study of the physical and geomechanical
20 characteristics of rocks and soils;

21 (g) Gathering, processing and evaluating geologic data for
22 environmental assessment and management, including conservation and
23 biodiversity projects;

24 (h) Data processing, petrology, mineragraphy, paleontology,
25 geostatistics and laboratory studies that require geological knowledge essential
26 in data interpretation and in the preparation of geological report;

27 (i) Preparation of geological reports in accordance with best practices
28 and applicable laws and regulations;

1 (j) Teaching of geological subjects in any academic program leading
2 to a professional degree, including refresher and review courses; and

3 (k) Other geologic work or service which, in the assessment and
4 opinion of the Board, constitutes the practice of geology.

5 The Board, subject to approval by the Commission, may add or exclude
6 any act as the need arises after consultation with the accredited professional
7 organization (APO) and the academe.

8 ARTICLE II

9 CREATION OF THE PROFESSIONAL REGULATORY BOARD

10 OF GEOLOGY

11 SEC. 6. *Composition of the Professional Regulatory Board of Geology.*

12 -- There is hereby created a Professional Regulatory Board of Geology,
13 hereinafter referred to as the Board, under the administrative control and
14 supervision of the Professional Regulation Commission, hereinafter referred to
15 as the Commission, composed of a chairperson and two (2) members to be
16 appointed by the President of the Philippines from among those recommended
17 by the Commission from the nominees of the duly APO of geologists. The
18 new Board shall be constituted not later than six (6) months from the
19 effectivity of this Act.

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

22 (a) Supervise and regulate the practice of geology profession;

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

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

1 (d) Issue, together with the Commission, certificates of registration and
2 professional identification cards to applicants who have passed the licensure
3 examinations for professional geologists;

4 (e) Issue special/temporary permits to foreign geologists to practice the
5 profession;

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

12 (g) Inspect and evaluate the facilities, faculty, equipment and other
13 aspects directly related to the geology program of educational institutions in
14 coordination with the Commission on Higher Education (CHED);

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

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

24 (j) Administer oaths in connection with the performance of its
25 functions;

26 (k) Adopt an official seal and prescribe the seal of the geology
27 profession;

1 (l) Submit an annual report on the proceedings and accomplishments
2 during the year and/or *recommendations of the Board to the Commission* thirty
3 (30) days after the close of each calendar year;

4 (m) Prosecute or institute criminal action against any violator of this
5 Act and/or rules and regulations of the Board;

6 (n) Prescribe guidelines and criteria on the Continuing Professional
7 Development/Education (CPDE) program for geology in consultation with the
8 integrated and accredited professional organization of geologists;

9 (o) Perform regulatory, administrative and quasi-legislative functions
10 as mandated under Republic Act No. 8981, otherwise known as the
11 Professional Regulation Commission Modernization Act, and such other
12 *functions as may be necessary* in order to implement the provisions of this Act;

13 (p) Adopt the implementing rules and regulations (IRR) necessary for
14 carrying out the provisions of this Act;

15 (q) Adopt a *Code of Ethics and a Code of Professional and Technical*
16 *Standards for the practice of geology profession*; and

17 (r) Investigate, in accordance with the rules on administrative
18 investigation promulgated by the Commission, *violations of this Act and its*
19 *IRR, the Code of Ethics and the Code of Professional and Technical Standards*
20 *for geologists, administrative policies, orders and issuances promulgated by the*
21 *Board.*

22 SEC. 8. *Qualifications of the Chairperson and the Members of the*
23 *Board.* – The chairperson and the members of the Board, at the time of his/her
24 appointment must be:

25 (a) A natural-born citizen and resident of the Philippines;

26 (b) A holder of at least a bachelor's degree in geology as conferred by
27 a university or school of good standing, recognized and accredited by the
28 government;

1 (c) A registered geologist with a valid certificate of registration and
2 professional identification card and an active practitioner for not less than ten
3 (10) continuous years prior to his/her appointment;

4 (d) A person who does not have any pecuniary interest, directly or
5 indirectly, in any university, college, school or institution conferring an
6 academic degree necessary for the admission to the practice of geology, or
7 institutions where review classes in preparation for the licensure examinations
8 for geologists are being officially offered or conducted; nor shall he/she be a
9 member of the faculty or of the administration thereof prior to appointment to
10 the Board; and

11 (e) A member of the APO of geology but not a trustee or officer
12 thereof.

13 SEC. 9. *Term of Office.* – The chairperson and every member of the
14 Board shall hold office for a term of three (3) years or until their successors
15 shall have been duly appointed. They may be reappointed for another term of
16 three (3) years immediately after the expiration of their term but in no case
17 shall the whole term exceed six (6) years. Interim vacancies shall be filled for
18 the unexpired portion of the term only.

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

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

26 SEC. 11. *Custodian of Records, Secretariat and Support.* – All records
27 of the Board, including applications for examinations, examination papers and
28 results, minutes of meetings, deliberations of administrative and other

1 investigative cases involving the Board shall be kept by the Commission. The
2 Commission shall designate the secretary of the Board and shall provide
3 secretariat and other support services to implement the provisions of this Act.

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

9 (a) Gross negligence, incompetence or dishonesty in the discharge of
10 their duty;

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

14 (c) Manipulation or rigging of the results of the geology licensure
15 examination, disclosure of secret and confidential information on the
16 examination questions prior to the conduct thereof, or tampering of grades.

17 SEC. 13. *Annual Report.* – The Board shall submit an annual report to
18 the Commission after the close of each fiscal year giving detailed accounts of
19 Board proceedings during the year and embodying such recommendations as
20 the Board may desire to make.

21 ARTICLE III

22 LICENSURE EXAMINATION AND REGISTRATION

23 SEC. 14. *Passing of Licensure Examination Requirement.* – Except as
24 otherwise specifically allowed under this Act, applicants for registration for the
25 practice of geology shall be required to pass a licensure examination as
26 provided for in this Act.

27 SEC. 15. *Holding of Examination.* – Examination of candidates
28 applying for registration as geologist shall be given at least once a year in such

1 places and dates as the Commission may designate in accordance with the
2 provisions of Republic Act No. 8981, otherwise known as the Professional
3 Regulation Commission Modernization Act.

4 SEC. 16. *Scope of Examination.* – In the licensure examination for
5 geologists, the scope of examinations, methods and procedures shall be
6 prescribed by the Board. The licensure examination shall cover, but shall not
7 be limited to, the following subjects:

- 8 (a) General Geology;
9 (b) Petrology and Mineralogy; and
10 (c) Applied Geology.

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

17 SEC. 17. *Qualifications for Examinations.* – The qualifications
18 required for applicants to the licensure examination for geology are the
19 following:

20 (a) He/She is a Filipino citizen or a foreigner whose country has
21 reciprocity agreement with the Philippines;

22 (b) He/She is a graduate of a school, institute, college or university
23 recognized by the government and has been conferred the degree of Bachelor
24 of Science in Geology;

25 (c) He/She is of good moral character; and

26 (d) He/She must not have been convicted by a court of competent
27 jurisdiction of an offense involving moral turpitude.

1 SEC. 18. *Examination Fees.* – Any applicant admitted to take the
2 geology licensure examination shall pay such fees as may be prescribed by the
3 Commission before he/she is allowed to take the same.

4 SEC. 19. *Rating in the Licensure Examination.* – To pass the licensure
5 examination for geology, a candidate must obtain a general or weighted
6 average of no less than seventy *per centum* (70%) and a rating of no less than
7 fifty *per centum* (50%) in any examination subject.

8 SEC. 20. *Report of Ratings.* – The Board shall complete the correction
9 of examination papers within three (3) days from the last day of examinations.
10 The Commission shall report the rating of examinees not more than ten (10)
11 days after the Board has completed the correction of examination papers.

12 SEC. 21. *Issuance of Certificates of Registration and Professional*
13 *Identification Card.* – A certificate of registration shall be issued to those who
14 are registered with or without licensure examination subject to payment of fees
15 prescribed by the Commission. It shall bear the signatures of the chairperson
16 of the Commission and of the chairperson and the members of the Board,
17 stamped with the official seal of the Commission and of the Board, certifying
18 that the person named therein is entitled to the practice of the profession with
19 all the privileges appurtenant thereto. Until withdrawn, revoked or suspended
20 in accordance with this Act, it shall remain in full force and effect.

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

24 SEC. 22. *Issuance of Certificates of Specialization.* – Upon nomination
25 of the APO of geology, the Board shall issue a certificate of specialization to
26 an applicant who is a registered geologist and who has specialized knowledge,
27 training and experience in a specific field of geology and has documented
28 his/her expertise and competence on the same.

1 SEC. 23. *Seal of a Registered Geologist.* – Every geologist shall, upon
2 registration, obtain a seal as prescribed by the Board. Plans, specifications,
3 reports and other professional documents prepared by or executed under the
4 supervision of and issued by the registrant shall be stamped on every sheet with
5 the said seal when filed officially or when submitted for professional use.

6 SEC. 24. *Fees for Registration.* – Every person issued a certificate of
7 registration shall pay to the Commission such fees as the Commission may
8 prescribe.

9 SEC. 25. *Issuance of Temporary/Special Permits.* – Temporary/special
10 permits shall be issued to the following upon proper application with the
11 Board:

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

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

21 (c) Foreign geologists who are duly registered under bilateral or
22 multilateral agreements where the Philippines is a signatory.

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

25 SEC. 26. *Exemption from Licensure Examination.* – A holder of a
26 doctoral degree in geology or an equivalent degree in any of the specialized
27 branches of geology obtained from a duly recognized university shall be
28 exempted from taking the licensure examination upon evaluation of the Board.

1 He/She shall be required, however, to register in the same manner as those who
2 will pass the licensure examination.

3 SEC. 27. *Refusal to Register.* – The Board shall not register any
4 applicant for registration if he/she has been:

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

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

8 (c) Summarily adjudged guilty for violation of the General Instruction
9 to Examinees by the Board; and

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

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

14 SEC. 28. *Revocation or Suspension of the Certificates of Registration*
15 *and Cancellation of Temporary/Special Permit.* – The Board shall have the
16 power, upon notice and hearing, to revoke or suspend the certificate of
17 registration of a registered geologist or to cancel a temporary/special permit
18 granted to a foreign geologist for any of the grounds or causes enumerated in
19 Section 27 of this Act, except in letter (c) thereof, and on any of the following
20 grounds:

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

24 (b) Perpetration or use of fraud in obtaining his/her 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) Any act of misrepresentation in connection with an alleged
2 performance of geological activities,

3 (e) Acts inimical to the geology 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 geologist by allowing him/her to use his/her certificate of
8 registration and/or professional identification card, or his/her temporary/special
9 permit;

10 (i) Illegally practicing the profession during his/her suspension from
11 the practice thereof; or

12 (j) Addicted to a drug or alcohol abuse impairing his/her ability to
13 practice his/her profession, or declared with an unsound mind by a court of
14 competent jurisdiction.

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

26 SEC. 29. *Re-issuance of Revoked Certificate of Registration and*
27 *Replacement of Lost Certificate of Registration and Professional Identification*

1 *Card.* – The Board may, after two (2) years from the date of revocation of the
2 certificate of registration, re-issue a certificate upon proper application.

3 A new certificate of registration and professional identification card or
4 temporary/special permit, which has been lost, destroyed or mutilated, may be
5 reissued after payment of the required fee prescribed by the Commission.

6 ARTICLE IV

7 PRACTICE OF GEOLOGY

8 SEC. 30. *Prohibition from Practicing Geology.* – No person shall
9 practice geology or render geological service without a valid certificate of
10 registration and a valid professional identification card or granted a
11 temporary/special permit.

12 SEC. 31. *Who May Practice Geology.* – Except as may be otherwise
13 provided in this Act, only persons properly licensed and registered may
14 practice geology in the country. Duly registered professional geologists may
15 form partnerships among themselves and use the title “Geologist” or
16 “Registered Geologist” in their partnership name.

17 SEC. 32. *Vested Rights.* – All practicing geologists who are registered
18 as geologist at the time this Act takes effect shall automatically be registered
19 under this Act.

20 SEC. 33. *Foreign Reciprocity.* – No foreign geologist shall be granted
21 any of the rights and privileges under this Act unless the country of which
22 he/she is a subject or citizen grants the same or similar rights or privileges to
23 Filipino geologists.

24 SEC. 34. *Indication of Certificate of Registration and Professional Tax*
25 *Receipt.* – A registered geologist shall be required to indicate his/her certificate
26 of registration number, the duration of validity, including the professional tax
27 receipt number and the APO membership fee receipt number on the documents

1 he/she signs, uses or issues in connection with the practice of his/her
2 profession.

3 SEC. 35. *Integration of Geology Professional Association.* – All
4 geology professional associations shall be integrated into one (1) national
5 professional organization which shall be recognized by the Board, subject to
6 approval by the Commission, as the only accredited and integrated professional
7 organization of geologists.

8 All geologists whose names appear in the Registry Book of Geologists
9 shall *ipso facto* or automatically become members thereof and shall receive all
10 the benefits and privileges appurtenant thereto upon payment of APO
11 membership fees and dues. Membership in the integrated APO shall not be a
12 bar to membership in other geology organizations.

13 ARTICLE V

14 PENAL AND GENERAL PROVISIONS

15 SEC. 36. *Penal Clause.* – The following shall, upon conviction, be
16 punished by a fine of not less than Ten thousand pesos (P10,000.00) but not
17 more than One million pesos (P1,000,000.00) or imprisonment of not less than
18 one (1) month but not more than five (5) years at the discretion of the court:

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

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

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

27 (d) Any person who shall impersonate any registrant of like or different
28 name;

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

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

10 SEC. 37. *Act Not Affecting Other Professions.* – This Act shall not
11 affect or prevent the practice of any other legally recognized profession.

12 SEC. 38. *Enforcement of the Act by the Officers of the Law.* – The
13 Board shall be assisted by the Commission in carrying out the provisions of
14 this Act and its IRR and other policies. The lawyers of the Commission shall
15 act as prosecutors against illegal practitioners and other violators of this Act
16 and its rules. The duly constituted authorities of the government shall likewise
17 assist the Board and the Commission in enforcing the provisions of this Act
18 and its rules.

19 SEC. 39. *Implementing Rules and Regulations.* – Subject to the
20 approval of the Commission, the Board shall adopt and promulgate such IRR,
21 the Code of Ethics and the Code of Professional and Technical Standards of
22 geologists to carry out the provisions of this Act.

23 SEC. 40. *Funding Provision.* – The chairperson of the PRC shall
24 immediately include in the Commission's programs the implementation of this
25 Act, the funding of which shall be included in the annual General
26 Appropriations Act.

27 SEC. 41. *Transitory Provisions.* – (a) Faculty members currently
28 teaching major geology subjects in universities, colleges, institutes or schools

1 shall not be allowed to continue teaching after five (5) years from the approval
2 of this Act unless they are or they have become registered geologists with valid
3 certificates of registration and valid professional identification cards.

4 (b) The incumbent chairperson and members of the Board shall
5 continue to function as an *interim* Board until such time as a new Board shall
6 be constituted under this Act.

7 SEC. 42. *Separability Clause.* – If any section or portion of this Act
8 shall be declared unconstitutional or invalid, such shall not invalidate any other
9 section of this Act.

10 SEC. 43. *Repealing Clause.* – Republic Act No. 4209 is hereby
11 repealed. All other laws, parts of law, orders, ordinances or regulations relative
12 to the practice of geology which are inconsistent with the provisions of this Act
13 are hereby repealed or modified accordingly.

14 SEC. 44. *Effectivity.* – This Act shall take effect fifteen (15) days after
15 its publication in the *Official Gazette* or in a newspaper of general circulation.

Approved,

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