CONGRESS OF THE PHILIPPINES FIFTEENTH CONGRESS Second Regular Session

HOUSE OF REPRESENTATIVES

H. No. 5640

- BY REPRESENTATIVES YU, PIAMONTE, SALVACION, ABAYA, ESCUDERO, RODRIGUEZ (R.), RODRIGUEZ (M.), PALMONES, GONZALES (A.), TINIO, ABAYON, MARIANO AND PADILLA, PER COMMITTEE REPORT NO. 1642
- 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"

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

1	ARTICLE I
2 3	TITLE, STATEMENT OF POLICY, DEFINITION OF TERMS AND SCOPE OF PRACTICE
4	SECTION 1. Title This Act shall be known as the "Geology
5	Profession Act of 2012".
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,
10	world-class and globally competitive through regulatory measures, programs
11	and activities.

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

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

- (b) The supervision, control and regulation of the practice of geology;
- 4 (c) The development and upgrading of the curriculum of geology 5 education:

6 (d) The development of the professional competence of geologists 7 through continuing professional development/education;

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(e) The integration of the geology profession:

9 (f) The development of reportorial, field and laboratory standards in the geology professions for mineral, petroleum, coal, renewable energy 10 resources and other natural resources; and 11

12 (g) The accreditation of professional practitioners in the implementation of the adopted standards in the mineral, petroleum, coal, 13 14 renewable energy resources and other natural resources.

15 SEC. 4. Definition of Terms. - As used in this Act, the following 16 terms shall mean as follows:

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(a) *Practice of geology* shall mean the offering or rendering of services of any of the specialized branches of geology for a fee, salary, reward or 18 compensation, paid directly or through another person or persons, or even 19 20 without such reward or compensation.

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(b) Board shall mean the Board of Geology.

(c) Accredited Professional Organization (APO) shall mean the 22 professional organization duly accredited by the Professional Regulatory 23 24 Board of Geologists and the Professional Regulation Commission.

(d) Continuing Professional Development/Education (CPDE) shall 25 mean the inculcation, assimilation and acquisition of knowledge, skills, 26 proficiency and ethical and moral values, after the initial registration of a 27 28 practitioner that raise and enhance one's technical skills and competence.

SEC. 5. Scope of Practice. - A person shall be deemed to be 1 2 practicing geology or rendering geological service in the government, industry 3 and the academe when one undertakes geological work for a fee, salary or 4 remuneration, or even without such reward or compensation. The scope of practice of a geologist shall include, but shall not be limited to, the following: 5

6 (a) General geological survey or mapping, whether onshore or 7 offshore, to identify different types of rocks, geologic structures, metalliferous 8 and non-metalliferous mineral deposits and/or energy resources such as 9 petroleum, gas, coal, geothermal and other renewable energy resources as well 10 as ground water resources:

11 (b) Mineral exploration for metalliferous and non-metalliferous mineral 12 resources and ore reserves outside active mining areas and/or mine exploration 13 to locate extensions or orebodies inside mine operating areas;

(c) Geological exploration for energy resources like petroleum, gas and 14 15 coal, and/or geothermal resources:

16 (d) Study of geohazards due to faulting, volcanism, ground subsidence, 17 groundwater pollution, weathering and erosion; their characteristics and impact 18 to the environment;

19 (e) Hydrogeological studies which include search for underground and 20 surficial water resources, and determining their characteristics, location, depth 21 and volume, including groundwater vulnerability assessment;

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(f) Investigation and study of the physical and geo-mechanical characteristics of rocks and soils: 23

(g) Gathering, processing 24 and evaluating geologic data for 25 environmental assessment and management, including conservation and 26 biodiversity projects;

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

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

6 (j) Teaching of geological subjects in any academic program leading 7 to a professional degree, including refresher and review courses; and

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

10 The Board, subject to approval by the Commission, may add to or 11 exclude any act from the abovestated forms of professional practice as the need 12 arises after consultation with the APO and the academe.

ARTICLE II CREATION OF THE PROFESSIONAL REGULATORY BOARD OF GEOLOGY

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

17 There is hereby created a Professional Regulatory Board of Geology, hereinafter referred to as the Board, under the administrative control and 18 19 supervision of the Professional Regulation Commission, hereinafter referred to 20 as the Commission, composed of a Chairperson and two (2) members to be appointed by the President of the Philippines from among those recommended 21 by the Commission from the nominees of the duly APO of geologists. The new 22 23 Board shall be constituted not later than six (6) months from the effectivity of 24 this Act.

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

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

(b) Determine and evaluate the qualifications of the applicants for 1 2 registration;

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(c) Prescribe the subjects in the licensure examinations, determine the 4 syllabi of the subjects and their relative weights, construct the test questions in 5 the examinations, score and rate the examination papers and submit the 6 examination results to the Commission:

7 (d) Issue, together with the Commission, certificates of registration and 8 professional identification cards to applicants who have passed the licensure examinations for professional geologists; 9

(e) Issue temporary/special permits to foreign geologists to practice the 10 11 profession;

12 (f) Inquire into conditions affecting the practice of the profession and adopt measures for the enhancement and maintenance of high professional, 13 ethical and technical standards. Pursuant thereto, the Board may inspect 14 establishments where geologists practice their profession such as mines, plants, 15 16 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; 17

(g) Inspect and evaluate the facilities, faculty, equipment and other 18 19 aspects directly related to the geology program of educational institutions in 20 coordination with the Commission on Higher Education (CHED);

21 (h) Issue subpoena duces tecum to secure the attendance of witnesses 22 or the production of documents in connection with administrative cases before 23 the Board;

24 (i) Hear and decide administrative cases filed against geologists and 25 firms employing the same. The hearing shall be presided by the Chairperson or 26 a member of the Board with the assistance of a lawyer from the Commission. 27 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;

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3 (j) Administer oaths in connection with the performance of its
4 functions;

5 (k) Adopt an official seal and prescribe the seal of the geology 6 profession;

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

(m) Prosecute or institute criminal action against any person whoviolates the provisions of this Act and/or rules and regulations of the Board;

(n) Prescribe guidelines and criteria on the CPDE program for geology
in consultation with the integrated and accredited professional organization of
geologists;

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

(p) Adopt the implementing rules and regulations (IRR) necessary forcarrying out the provisions of this Act;

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

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

1 SEC. 8. Qualifications of the Chairperson and Members of the Board. 2 The Chairperson and members of the Board, at the time of one's 3 appointment, shall be:

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

5 (b) A holder of at least a bachelor's degree in geology as conferred by 6 a university or school of good standing, recognized and accredited by the 7 government;

8 (c) A registered geologist with a valid certificate of registration and 9 professional identification card and an active practitioner for not less than ten 10 (10) continuous years prior to one's appointment;

11 (d) A person who does not have any pecuniary interest, directly or 12 indirectly, in any university, college, school or institution conferring an 13 academic degree necessary for the admission to the practice of geology, or 14 institutions where review classes in preparation for the licensure examinations 15 for geologists are being officially offered or conducted; nor shall be a member 16 of the faculty or of the administration thereof prior to appointment to the Board; and 17

(e) A member of the APO of geologists but not a trustee or officer 18 19 thereof.

SEC. 9. Term of Office. - The Chairperson and every member of the 20 21 Board shall hold office for a term of three (3) years or until their successors 22 shall have been duly appointed. They may be reappointed for another term of 23 three (3) years immediately after the expiration of their term but in no case 24 shall the whole term exceed six (6) years. Interim vacancies shall be filled for 25 the unexpired portion of the term only.

26 The Chairperson and members of the Board shall qualify by taking the 27 proper oaths prior to assumption of office.

1 SEC. 10. Compensation of the Board. -The Chairperson and 2 members of the Board shall receive compensation and allowances comparable 3 to those being received by the chairpersons and members of other professional 4 regulatory boards under the Commission as provided for in the General 5 Appropriations Act.

6 SEC. 11. Custodian of Records, Secretariat and Support. All 7 records of the Board, including applications for examinations, examination 8 papers and results, minutes of meetings, deliberations of administrative and 9 other investigative cases involving the Board, shall be kept by the Commission. 10 The Commission shall designate the Secretary of the Board and shall provide 11 secretariat and other support services to implement the provisions of this Act.

12 SEC. 12. Grounds for Suspension or Removal of Chairperson/Board 13 Members. - The President, upon the recommendation of the Commission 14 after due process and administrative investigation conducted by the 15 Commission, may remove or suspend the Chairperson or a member of the Board on any of the following grounds: 16

17 (a) Gross negligence, incompetence or dishonesty in the discharge of 18 their duty:

19 (b) Commission of any of the prohibited acts provided in this Act and 20 the offenses in the Revised Penal Code, the Anti-Graft and Corrupt Practices 21 Act and other laws; or

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(c) Manipulation or rigging of the results of the geology licensure examination, disclosure of secret and confidential information on the 23 24 examination questions prior to the conduct thereof or tampering of grades.

25 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 26 Board proceedings during the year and embodying such recommendations as 27 the Board may desire to make. 28

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1	ARTICLE III
2	LICENSURE EXAMINATION AND REGISTRATION
3	SEC. 14. Passing of Licensure Examination Requirement Except
4	as otherwise specifically allowed under this Act, applicants for registration for
5	the practice of geology shall be required to pass a licensure examination as
6	provided for in this Act.
7	SEC. 15. Holding of Examination. – Examination of candidates
8	applying for registration as geologist shall be given at least once a year in such
9	places and dates as the Commission may designate in accordance with the
10	provisions of Republic Act No. 8981, otherwise known as the "PRC
11	Modernization Act of 2000".
12	SEC. 16. Scope of Examination In the licensure examination for
. 13	geologists, the scope of examinations, methods and procedures shall be
14	prescribed by the Board. The licensure examination shall cover, but shall not
15	be limited to, the following subjects:
16	(a) General Geology;
17	(b) Petrology and Mineralogy; and
18	(c) Applied Geology.
19	The Board, subject to approval by the Commission, may revise or
20	exclude any of the subjects and their syllabi, and add new ones as the need
21	arises to conform to technological changes brought about by continuing trends
22	in the profession: Provided, That a detailed syllabi of the above examinations
23	covering the whole aspects of the geology profession and practice shall be
24	prepared by the Board.
25	SEC. 17. Qualifications for Examinations. – The qualifications
26	required for applicants to the licensure examination for Geology are the
27	following:

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1 (a) A Filipino citizen or a foreigner whose country has reciprocity 2 agreement with the Philippines;

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3 (b) A graduate of a school, institute, college or university recognized 4 by the government and has been conferred the degree of Bachelor of Science in 5 Geology or a Master of Science in Geology, or a Bachelor of Science in 6 Geological Engineering;

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(c) Of good moral character; and

8 (d) Must not have been convicted by a court of competent jurisdiction of an offense involving moral turpitude. 9

10 SEC. 18. Examination Fees. - Any applicant admitted to take the 11 geology licensure examination shall pay such fees as may be prescribed by the 12 Commission before one is allowed to take the same.

13 SEC. 19. Rating in the Licensure Examination. - To pass the licensure examination for geology, a candidate must obtain a general or weighted 14 15 average of no less than seventy per centum (70%) and a rating of no less than 16 fifty per centum (50%) in any examination subject.

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SEC. 20. Report of Ratings. - The Board shall complete the correction of examination papers within three (3) days from the last day of examinations. 18 19 The Commission shall report the rating of examinees not more than ten (10) 20 days after the Board has completed the correction of examination papers.

21 SEC. 21. Issuance of Certificates of Registration and Professional 22 Identification Cards. - A certificate of registration shall be issued to those 23 who are registered with or without licensure examination subject to payment of 24 fees prescribed by the Commission. It shall bear the signatures of the 25 Chairperson of the Commission and of the Chairperson and members of the Board, stamped with the official seal of the Commission and of the Board, 26 27 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.

8 SEC. 22. Issuance of Certificates of Specialization. – Upon 9 nomination of the APO of geologists, the Board shall issue a certificate of 10 specialization to an applicant who is a registered geologist and who has 11 specialized knowledge, training and experience in a specific field of geology 12 and has documented one's expertise and competence on the same.

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

18 SEC. 24. Fees for Registration. - Every person issued a certificate of
 19 registration shall pay to the Commission such fees as the Commission may
 20 prescribe.

SEC. 25. Issuance of Temporary/Special Permits. - Temporary/
 special permits shall be issued to the following upon proper application with
 the Board:

(a) Foreign geologists, recognized as experts in their specific fields of
geology, 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;

1 (b) Foreign geologists who have distinguished themselves in their 2 respective fields of specialization, contracted as professors or lecturers on 3 geology subjects by Philippine schools, colleges, institutes or universities on a 4 direct hire or exchange basis, subject to verification of credentials by the 5 Board; or

6 (c) Foreign geologists who are duly registered under bilateral or 7 multilateral agreements where the Philippines is a signatory:

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

SEC. 26. Exemption from the Licensure Examination. - A holder of a doctoral degree in Geology or an equivalent degree in any of the specialized branches of geology obtained from a duly recognized university shall be exempted from taking the licensure examination upon evaluation of the Board. Such person shall be required, however, to register in the same manner as those who will pass the licensure examination.

SEC. 27. *Refusal to Register.* - The Board shall not admit any
applicant for registration who has been:

(a) Convicted of an offense involving moral turpitude by a court ofcompetent jurisdiction;

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

21 (c) Summarily adjudged guilty for violation of the General Instruction
22 to Examinees by the Board; or

23 (d) Declared to be of unsound mind by a court of competent24 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.

1 SEC. 28. Revocation or Suspension of the Certificate of Registration and Cancellation of Temporary/Special Permit. - The Board shall have the 2 3 power, upon notice and hearing, to revoke or suspend the certificate of 4 registration of a registered geologists or to cancel a temporary/special permit 5 granted to a foreign geologist for any of the grounds or causes enumerated in 6 Section 27 of this Act, except in letter (c) thereof, and on any of the following 7 grounds: 8 (a) Violation of a provision of this Act, its IRR, Code of Ethics and 9 Code of Professional and Technical Standards for the practice of geology; 10 (b) Perpetration or use of fraud in obtaining one's certificate of registration, professional identification card or temporary/special permit; 11 12 (c) Gross incompetence, negligence or ignorance resulting to death, 13 injury or damage; 14 (d) Any act of misrepresentation in connection with an alleged performance of geological activities; 16 (e) Acts inimical to the geology profession; (f) Gross immorality; (g) Conviction by final judgment of any act involving moral turpitude; 19 (h) Aiding or abetting the illegal practice of a non-registered and 20 non-licensed geologist by allowing the use of one's certificate of registration. 21 professional identification card or temporary/special permit: (i) Illegally practicing the profession during the suspension from the 23 practice thereof; or 24 (i) Addiction to drugs or alcohol impairing the ability to practice the 25 profession or a declaration by a court of competent jurisdiction that the 26 registrant is of unsound mind.

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Any person, firm or association may file charges against any registrant 1 2 in accordance with the provisions of this section and the Board may investigate 3 charges against any registered geologist for any of the grounds listed above. An affidavit-complaint shall be filed together with the affidavits of witnesses 4 5 and other documentary evidence with the Board through the Legal and 6 Investigation Office. The Board may motu proprio conduct an investigation 7 which shall be embodied in a formal charge to be signed by at least a majority of the members of the Board. The rules on administrative investigation issued 8 by the Commission shall govern the hearing or investigation subject to 9 applicable provisions of this Act, Republic Act No. 8981 and the Rules of 10 11 Court.

SEC. 29. 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/special permit, which has been lost, destroyed or mutilated, may be
reissued after payment of the required fee prescribed by the Commission.

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ARTICLE IV

PRACTICE OF GEOLOGY

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

SEC. 31. Who May Practice Geology. - Except as may be otherwise
 provided in this Act, only persons properly licensed and registered may
 practice geology in the country. Duly registered professional geologists may

form partnerships among themselves and use the title "Geologist" or
 "Registered Geologist" in their partnership name.

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3 SEC. 32. Vested Rights. - All practicing geologists who are registered
4 as geologists at the time this Act takes effect shall automatically be registered
5 under this Act.

SEC. 33. Foreign Reciprocity. - No foreign geologist shall be granted
any of the rights and privileges under this Act unless the country of which said
foreigner is a subject or citizen grants the same or similar rights or privileges to
Filipino geologists.

SEC. 34. Indication of Certificate of Registration and Professional Tax Receipt. – A registered geologist shall be required to indicate the certificate of registration number, the duration of validity, including the professional tax receipt number and the APO membership fee receipt number on the documents the geologist signs, uses or issues in connection with the practice of one's profession.

16 SEC. 35. Integration of Geology Professional Associations. – All 17 geology professional associations shall be integrated into one (1) national 18 professional organization which shall be recognized by the Board, subject to 19 approval by the Commission, as the only accredited and integrated professional 20 organization of geologists.

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

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1	ARTICLE V
2	PENAL AND GENERAL PROVISIONS
3	SEC. 36. Penal Clause The following shall, upon conviction, be
4	punished by a fine of not less than Ten thousand pesos (P10,000.00) but not
5	more than One million pesos (P1,000,000.00) or imprisonment of not less than
6	one (1) month but not more than five (5) years at the discretion of the court:
7	(a) Any person who shall practice geology in the Philippines, as
8	defined in this Act, without a valid certificate of registration and a valid
9	professional identification card or a temporary/special permit in accordance.
10	with the provisions of this Act, unless declared exempt from registration;
11	(b) Any person presenting or using as one's own the certificate of
12	registration and/or professional identification card or temporary/special permit
13	of another;
14	(c) Any person who shall give any false or forged evidence;
15	(d) Any person who shall impersonate any registrant of like or different
16	name;
17	(e) Any person who shall use a revoked or suspended certificate of
18	registration and/or a valid professional identification card or a valid
19	temporary/special permit, or an expired/non-current professional identification
20	card or an expired/cancelled temporary/special permit; and
21	(f) Any person who shall assume, use or advertise any title or
22	description tending to convey the impression that one is a geologist without
23	having graduated as such, or is engaged in the geology practice without
24	holding a valid certificate of registration and a professional identification card
25	or a valid temporary/special permit from the Board.

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SEC. 37. Legal Effects on Other Professions. - This Act shall not affect or prevent the practice of any other legally recognized profession.

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3 SEC. 38. Enforcement of this Act by the Officers of the Law. – The 4 Board shall be assisted by the Commission in carrying out the provisions of 5 this Act and its IRR and other policies. The lawyers of the Commission shall 6 act as prosecutors against illegal practitioners and other violators of this Act 7 and its rules. The duly constituted authorities of the government shall likewise 8 assist the Board and the Commission in enforcing the provisions of this Act 9 and its rules.

10 SEC. 39. Implementing Rules and Regulations. – Subject to the 11 approval of the Commission, the Board, in consultation with the APO, shall 12 adopt and promulgate the IRR, the Code of Ethics and the Code of 13 Professional and Technical Standards of Geologists to carry out the provisions 14 of this Act.

SEC. 40. Funding Provision. - The Chairperson of the Commission
shall immediately include in its programs the implementation of this Act, the
funding of which shall be included in the annual General Appropriations Act.

18 SEC. 41. *Transitory Provisions.* – (a) Faculty members currently 19 teaching major geology subjects in universities, colleges, institutes or schools 20 shall not be allowed to continue teaching after five (5) years from the approval 21 of this Act unless they are or they have become registered geologists with valid 22 certificates of registration and valid professional identification cards.

- (b) The incumbent Chairperson and members of the Board shall
 continue to function as an *interim* Board until such time as a new Board shall
 be constituted under this Act.
- SEC. 42. 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. 43. Repealing Clause. - Republic Act No. 4209 is hereby
 repealed. All other laws, parts of law, orders, ordinances or regulations relative
 to the practice of geology which are inconsistent with the provisions of this Act
 are hereby repealed or modified accordingly.

5 SEC. 44. Effectivity Clause. - This Act shall take effect fifteen (15)
6 days after its publication in the Official Gazette or in a newspaper of general
7 circulation.

Approved,

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