

Republic Act No. 4274

An Act to Regulate the Practice of Mining Engineering, to Provide for Licensing and Registration of Personnel of Mines and Quarries, and for Other Purposes

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

Article I

Section 1. *Title of Act.*- This Act shall be known as the "Mining Engineering Law of the Philippines."

Section 2. *Creation and Composition of the Board.*- Within thirty days after the approval of this Act, there shall be created a Board of Examiners for Mining Engineers¹ to be composed of three registered mining engineers, all to be appointed by the President² of the Philippines.

Section 3. *Powers vested in the Board.*- The Board of Examiners for Mining Engineers³ is vested with authority conformably with the provisions of this Act, to administer oaths, to issue, suspend and/or revoke certificates of registration for the practice of mining engineering, to investigate violations of this Act and for this purpose it may, under the hand of its Chairman and seal of the Board, issue *subpoena* for attendance of witnesses and *subpoena duces tecum* for production of documents and to discharge such other duties as the Board may deem necessary for the maintenance of efficient, ethical and technical standards of the mining engineering profession. The Board shall exercise the powers conferred upon it by this Act, shall from time to time look into the conditions affecting the practice of mining engineering in the Philippines, and whenever necessary, recommend to the President⁴ of the Philippines, the adoption of such measures as may be deemed proper for the vigorous enforcement of this Act.

Section 4. *Qualifications of Board Members.*- The members of the Board shall at the time of appointment:

1. Be a citizen of the Philippines;
2. Be a holder of the degree of Engineer of Mines, E.M.; Bachelor of Science in Mining Engineering, B.S.E.M., conferred by any engineering school or college, legally chartered and of good standing;
3. Be registered and legally qualified to practice mining engineering in the Philippines;
4. Has been engaged in the actual practice of mining engineering, metallurgical engineering and/ or geology for at least ten years, five of which must be in the field of mining engineering;
5. Not to be member of the faculty of any school, college or university, where a regular course in mining engineering, geology and/or metallurgy is taught, nor have pecuniary interest in such institution;
6. Recommended by the corresponding *bona fide* professional mining engineering society.

Section 5. *Terms of Office.*- The members of the Board shall hold office for a term of three years after their appointment or until their successors shall have been appointed and duly qualified. The members of the first Board appointed under this Act shall hold office for the following terms: one member for one year, who shall be the Chairman, one member for two years, and one member for three years. The succeeding Chairman shall be the member with the shortest unexpired term. Vacancy shall be filled for the unexpired term only. Each member of the Board shall qualify by taking the proper oath of office prior to entering upon the performance of his duties.

Section 6. *Executive Officer and the Secretary of the Board.*⁵-

Section 7. *Removal of the Board Members.*- The President, ⁶ through his Executive Secretary,⁷ may remove any member of the Board for neglect of duty or incompetency, or for unprofessional or dishonorable, unethical conduct, after having given the member concerned an opportunity to defend himself in a proper administrative investigation to be conducted by the Office of the Civil Service Commissioner. ⁸

Section 8. *Compensation of the Board.*- The members of the Board shall each receive as compensation the minimum sum of ten pesos for each applicant examined or registered without examination as mining engineer. A member of the Board who is at the same time a government employee shall receive the compensation provided herein in addition to his salary. All fees shall be received by the Civil Service Commission,⁹ which shall pay all authorized compensation and expenditure by the Board.

Section 9. *Rules and Regulation.*- The Board may, subject to the approval of the President¹⁰ of the Philippines, adopt such rules and regulations as may be necessary to carry out the provisions of this Act.

Section 10. *Submission of Annual Report.*- The Board shall submit an annual report to the President¹⁰ of the Philippines, through his Executive Secretary,¹¹ after the close of each fiscal year, giving a detailed account of its proceedings during the year and making such recommendations as may be deemed proper.

Article II REGISTRATION AND EXAMINATIONS

Section 11. *Inhibition from Practising Mining Engineering.* - No person shall practice or offer to practice mining engineering in the Philippines, without having been previously registered as a mining engineer under the provisions of this Act or granted a certificate of exemption under Section thirteen of this Act.

Section 12. *Definition of Terms.*- A person shall be deemed to be practising mining engineering or rendering mining engineering service within the meaning and intent of this Act who shall, for a fee, salary or other reward of compensation, paid to him or through another person, or even without such compensation, render or offer to render by means of signs, cards, advertisements, written reports, and/or in any other manner offer to practice mining engineering in the form of consultation, investigation, mining reports, valuation and ore reserve calculation; take charge of, direct and/or supervise underground and/or surface mining, opencuts, pits and/or quarries; shaft sinking, tunnelling, stopping, dredging, hydraulicking and sluicing for minerals and/or mineral products: *Provided*, That the above functions are exercised in a responsible and independent capacity.

Section 13. *Exemption from Registration.*- Registration shall not be required of the following persons:

- a. Practitioners in mining engineering engaged by the Republic of the Philippines for consultation or for specific purposes regarding the mining industry: *Provided*, That their practice shall be confined to such work only.
- b. Foreigners employed by private firms as technical consultants in branches of mining engineering, for which the pertinent professional society certifies that no qualified Filipino is available, the Board may, at its discretion, allow them to practice without registration subject to the following conditions:
 1. That the applicant's curriculum vitae shall be submitted to the Board on or before arrival in the country;
 2. That the applicant will not engage in private practice on his own account;
 3. That for every applicant one Filipino understudy who is registered under the provisions of this Act shall be employed by the private firm utilizing the services of such applicant for at least the duration of the alien expert's tenure with said firm; and
 4. That the exemption shall be good only for six months renewable for another six months at the discretion of the Board: *Provided*, That in case the applicant ceases to be employed in the categories provided in paragraphs (A) and (B) hereof, and engages in an occupation requiring registration as mining engineer, such person must be registered under the provisions of this Act: *Provided, further*, That those falling under paragraphs (A) and (B) of this section should first secure a certificate of exemption from the Board: *And, Provided, finally*, That each private firm shall be allowed a maximum of three consultants at any one time.
- c. Practitioners who are registered mining engineers or are certified as mine, mill or quarry foreman under Act Numbered Two thousand nine hundred eighty-five, as amended, and under the rules and regulations promulgated thereunder, shall *ipso-facto* be recognized and registered under this Act, and shall be allowed to retain their certificates issued by the former Board of Examiners.

Section 14. *Examinations Required.*- Unless exempt as specifically allowed under the provisions of this Act, all applicants for registration for the practice of mining engineering shall be required to undergo written examinations as provided in this Act.

Section 15. *Qualifications for Examinations.*- In order to be admitted to the mining engineering examinations, an applicant shall establish to the satisfaction of the Board that:

1. He is at least twenty-one years of age: *Provided*, That an applicant possessing all theory qualifications contained in this section who is under twenty-one years of age may be allowed to take the examinations on condition that he shall not be granted a certificate until after he attains twenty-one years of age;
2. If a foreigner, his country accords reciprocity with the Philippines;
3. He is of good reputation and moral character;
4. He has graduated with at least a bachelor of science degree in mining engineering, from a duly recognized school, college or university; or bachelor of science in any engineering course or in geology, plus at least five years of practical mining experience subject to evaluation by the Board: *Provided*, That other engineering professions shall give this same privilege to graduates in mining engineering.

Section 16. *Qualifications of Applicants for Mine and/ or Quarry Foreman.*- Any person applying for a certificate of registration as mine and/or quarry foreman shall, prior to his admission for certification, establish to the satisfaction of the Board that:

1. He is at least twenty one years of age;
2. If a foreigner, his country accords reciprocity with the Philippines;
3. He is of good reputation and moral character;
4. He has completed a mining and/or quarry course of instruction from a vocational or trade school or correspondence school of known standing or from any mining company training course or its equivalent; or
5. He has at least five years actual experience in mining and/or quarrying.

Section 17. *Date and Scope of Examination.*- Examinations for the practice of mining engineering shall be given on the second Monday of January and July of each year. Examinations shall cover questions relating to:

- a. Mining engineering and economics, mining laws and ethics;
- b. Metallurgy, ore dressing and assaying;
- c. Geology and surveying;
- d. Applied mathematics.

Provided, That, the relative weights of mining engineering and economic, mining laws and ethics shall be forty percent; that of geology and surveying, twenty percent; that of metallurgy, twenty percent; and that of applied mathematics, twenty percent.

Section 18. *Report of Examination Results.*- The Board of Examiners for Mining Engineers,¹² shall within ninety days after the examination, report the ratings obtained by each candidate to the Commissioner of Civil Service.¹³

Section 19. *Issuance of Certificates.*- The Board of Examiners for Mining Engineers,¹⁴ shall, within **two years** only after the approval of this **amendatory** Act, receive applications for certificate of registration without examination as mining engineer, and may issue to any applicant who, on the date of approval of this Act, is:¹⁵

- a. A Filipino citizen or alien whose country of which he is a citizen accords reciprocity with the Republic of the Philippines;
- b. Of good moral character; and
- c. A graduate with the degree of Bachelor of Science in Mining Engineering (B.S.E.M.) obtained on or before nineteen hundred and forty-two from a duly recognized school, college or university and has been in actual practice of mining operation for a period of at least ten years; or a holder of any engineering degree or bachelor of science of any engineering degree obtained on or before nineteen hundred forty-two with at least fifteen years of actual mining experience, to be certified by former employer or employers and subject to evaluation by the Board as to its technological and supervisory nature or a holder of a master's degree in mining engineering: *Provided*, That the applicant has not been held responsible for any serious accident or charged with mismanagement, as certified by his present or former employer or employers, or accused and convicted of any serious crime in any court of law.

Section 20. *Contents of Certificate of Registration.*- All certificates of registration shall state the full name of the registrant, shall have a serial number, and shall be signed by all members of the Board and the Commissioner of Civil Service¹⁶ as Executive Officer of the Board, and shall be attested by the official seal. Further, that issuance of the certificate of registration by the Board to a registrant shall be evidence that the person named therein is entitled to all the rights and privileges of a registered mining engineer or registered foreman, as the case may be, while said certificate remains unrevoked or unsuspended.

Section 21. *Fees for Examinations and Registration.*- Every applicant for examination as mining engineer shall pay a minimum fee of fifty pesos: *Provided, however*, That an applicant for registration as mining engineer without examination shall pay a minimum fee of one hundred pesos, and for mine and/or quarry foreman, twenty pesos.

Section 22. *Reprimand, Suspension and Revocation of Certificates.*- The Board, after due hearing, shall have the power to reprimand any registrant suspend or revoke his certificate of registration for any cause specified in this section, or for the use or perpetration of any fraud or deceit in obtaining such certificate, or for a gross negligence or incompetency in the practice of his occupation or profession, or for unprofessional, dishonorable, or immoral conduct: *Provided, however*, That the decision of the Board in the exercise of this power shall be appealable, within thirty days after receipt of the decision of the Board, to the President¹⁷ of the Philippines whose decision shall be final. It shall be sufficient for the revocation of the certificate issued under this Act on the ground of unprofessional or dishonorable conduct on the part of the registrant that he has:

1. Signed any technical report, mine valuation, mineral ore reserve estimate or other documents or works not prepared by him or under his supervision;

2. Represented himself as having taken charge of, undertaken or supervised the survey, valuation, mine tunnelling, shafting and quarrying, without having actually done so; or
 3. Represented himself as having performed mining engineering service in connection with the planning of exploration, development, exploitation, mining or mineral products without actually having done so; or
 4. Represented himself as having acted as superintendent of a mining operation without having done so.
- Any person or persons, firm, association or corporation may prefer charges in accordance with the provisions of this sections against any registrant, and the Board shall take cognizance within thirty days after receipt, and investigate the truth of the complaint. Such charges shall be in writing and shall be sworn to by the person making them and shall be filed with the Secretary of the Board.¹⁸

Section 23. *Re-issue of Revoked Certificate and Replacement of Lost Certificate.*- The Board may, after the expiration of two years from the date of revocation of a certificate of registration, for reasons it may deem sufficient, entertain any application for a new certificate of registration, from a person whose certificate has been revoked, in the same manner as an application for an original certificate and in so doing it may, in its discretion, exempt the applicant from the necessity of undergoing any examination. In like manner, the Board may reinstate suspendees upon application. A new certificate of registration to replace any certificate lost, destroyed or mutilated may be issued subject to the rules prescribed by the Board.

Article III SUNDRY PROVISIONS RELATIVE TO THE PRACTICE OF MINING ENGINEERING

Section 24. *Prohibitions in the Practice of Mining Engineering. - Penal Provisions* - Any person who shall practice mining engineering in the Philippines as defined in this Act without a certificate of registration in accordance with the provisions of this Act, unless declared exempt from registration, or any person presenting or using as his own the certificate of registration of another, or any person who shall give any false or forged evidence, or any person who shall impersonate any registrant of like or different name, or any person who shall use a revoked or suspended certificate of registration, or any person who shall assume, use, or advertise any title or description tending to convey the impression that he is a mining engineer without having graduated as such, or is engaged in the mining engineering practice, without holding a valid certificate of registration from the Board shall, upon conviction, be sentenced to a fine of not less than one thousand pesos nor more than two thousand pesos or to suffer imprisonment for a period of not less than one year nor more than two years, or both, in the discretion of the court.

Section 25. *Personnel Required in Mineral Exploitation and/or Quarrying.*- Every mining works, project, and/ or quarrying operation shall have not less than the following complement of resident mining engineers and/or foremen duly registered under this Act:

1. Twenty-five persons but not more than fifty persons for the entire operation directly engaged in mining and/or quarrying operation, a registered foreman is required;
2. Over fifty persons but not more than one hundred persons for the entire operation directly engaged in mining and/or quarrying operation, one registered mining engineer and one registered foreman are required;
3. Twenty-five persons but not more than seventy-five persons per shifts, directly engaged in mining and/or quarrying operation, one registered foreman per shift and one registered mining engineer for the entire operation;
4. Over seventy-five persons per shift, directly engaged in mining and/or quarrying operation, shall require a registered foreman and a registered mining engineer for each shift: *Provided*, That all persons acting as mine superintendent or its equivalent, and the mine engineer, shall be registered mining engineers.

Section 26. *Posting of Certificates.*- The owner, manager or other person in-charge of any mine, or quarry operation of a firm, co-partnership, company, corporation, or joint stock association, shall post or cause to be posted in a conspicuous place within the premises of such mines, the certificate of registration of mining engineers, mine and/or quarry foreman employed therein.

Section 27. *Roster of Mining Engineers.*- A roster showing the names and places and/or addresses of all registered mining engineers or persons holding certificates of registration for mine and/or quarry foremen issued by the Board, shall be prepared by the Secretary of the Board¹⁹ commencing one year from the date this Act becomes effective, and shall keep up-to-date this roster annually. Copies of this roster shall be mailed to each persons so registered upon request, placed on file with the Office of the President²⁰ of the Philippines, Office of the Director of Mines, and with such other entities that may request this roster.

Section 28. Except in the case of persons exempted under the provisions of this Act, no foreign mining engineer shall be granted any of the rights and privileges under Section fourteen of this Act, unless the country of which he is a subject permits Philippine mining engineers to practice within its territorial limits on the same basis as the subject or citizen of such country.

Section 29. *Enforcement of the Act by Officers of the Law.*- It shall be the duty of all duly constituted officers of the law, the National government, or of any provincial, city or municipal government, to enforce the provisions of this Act and to prosecute any person violating the same. The legal officer of the Civil Service Commission²¹ shall act as the legal adviser of the Board, and render such legal assistance as may be necessary in carrying out the provisions of this Act.

Section 30. *Act Not Affecting Other Profession.*- This Act shall not be construed to affect or prevent the practice of other legally established professions in the Philippines.

Article IV FINAL PROVISIONS

Section 31. The sum of five thousand pesos is hereby appropriated annually to be disbursed by the Office of the President of the Philippines in accordance with the provisions of this Act, and to cover expenses incurred by the members of the Board during field inspections and investigations. All sums collected in accordance with this Act shall be paid to the National Treasury as part of the general funds thereof: *Provided*, That during the first twelve months of the operation of this Act, any portion of the sum collected may be used for the purposes of this Act and to cover disbursements in excess of the amount appropriated herein.

Section 32. If any section or sections of this Act shall be declared unconstitutional or invalid, it shall not invalidate the other sections hereof.

Section 33. All laws, parts of laws, orders, ordinances, or regulations in conflict with the provisions of this Act shall be, and hereby, repealed.

Section 34. This Act shall take effect upon its approval. Approved June 19, 1965.