

[REPUBLIC ACT No. 10688, October 20, 2015]

AN ACT REGULATING THE PRACTICE OF METALLURGICAL ENGINEERING IN THE PHILIPPINES, REPEALING FOR THIS PURPOSE PRESIDENTIAL DECREE NUMBERED 1536, OTHERWISE KNOWN AS THE "METALLURGICAL 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:

ARTICLE I

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

SECTION 1. *Title.* – This Act shall be known as the "Metallurgical Engineering Act of 2015".

SEC. 2. *Statement of Policy.* – The State recognizes the importance of metallurgical engineers in nation-building and development. Thus, the State shall develop and nurture competent, virtuous, productive and well-rounded metallurgical engineers whose standard of professional practice and service shall be excellent, world-class and globally competitive through regulatory measures, programs and activities.

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

- (a) The examination, registration and licensure of metallurgical engineers;
- (b) The supervision, control and regulation of the practice of metallurgical engineering;
- (c) The development and upgrading of the curriculum of the metallurgical engineering profession in conformity with the approved curriculum of the Commission on Higher Education (CHED);
- (d) The development of the professional competence of metallurgical engineers through continuing professional education; and
- (e) The integration of the metallurgical engineering profession.

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

- (a) *Practice of Metallurgical Engineering* refers to the offering or rendering of services of any of the specialized branches of metallurgy for a fee, salary or other reward or compensation, paid directly or through another person or persons, or even without such reward or compensation. The term shall be synonymous with the term "rendering metallurgical engineering services".

(b) *Metallurgical Engineering* refers to the profession which embraces the scientific, engineering, environmental and economic aspects of:

(1) Mineral Processing and Extractive Metallurgy. – Preparation, separation, extraction and purification of ores, metals and mineral products by physical and chemical method such as ore dressing, pyrometallurgical processes such as roasting and smelting, hydrometallurgical processes such as leaching, electrometallurgical processes such as electric smelting and electrolysis and other similar processes;

(2) Adaptive and Physical Metallurgy. – Processes which pertain to the adaptation and application of metals such as melting, casting, forging, rolling, extrusion, welding and other metal working and finishing operations. These include unit operations relating to the control of microstructure of metals and their alloys such as heat treatment and surface hardening, and quality control in allowing operations to meet specification of metal alloys and metallographic studies. These also apply to powder, mechanical, nuclear and vacuum metallurgy; and

(3) Fuel Technology. — Fuel preparation processes such as washing, flotation and heavy media separation including carbonization, gasification and coking operations.

(c) *Metallurgical Plant* refers to any facility involved in processes which include, but not limited to, the following:

(1) Preparation, separation, concentration of minerals, coal and metallurgical fuels;

(2) Extraction of metals such as hydrometallurgical, pyrometallurgical and electrometallurgical processes; and

(3) Adaptation and application of metals such as melting, casting, forging, rolling, extrusion, powder metallurgy, heat treatment, welding and other metal working and finishing operations.

(d) *Metallurgical Engineer* refers to a person who holds a valid certificate of registration and professional identification card issued by the Board of Metallurgical Engineering and the Professional Regulation Commission.

SEC. 5. *Scope of Practice*. – Metallurgical engineering service shall embrace the following similar services in relation to metallurgical plants:

(a) Consultation, valuation and management services requiring metallurgical engineering skills and know-how;

(b) Engineering design, preparation of plans, specifications and project studies or estimates for metallurgical equipment and processes;

(c) Management or supervision of the testing and commissioning of metallurgical plants;

(d) Management, supervision, operation and auditing of metallurgical plants;

(e) Teaching of metallurgical engineering subjects in government-recognized universities, colleges and schools;

(f) Employment in government as a metallurgical engineer if the nature and character of the work requires professional knowledge of metallurgical engineering;

- (g) Metallurgical investigation and testing of mineral and metal products;
- (h) Training of metallurgical plant operating personnel;
- (i) Research and development;
- (j) Participation in the preparation of environmental studies for metallurgical projects and monitoring under the Environmental Impact Assessment (EIA) system;
- (k) Teaching of metallurgical engineering subjects in any academic program leading to a professional degree, including refresher and review courses; and
- (l) Other metallurgical work or service which, in the assessment and opinion of the Board, constitutes the practice of metallurgical engineering.

ARTICLE II
CREATION OF THE PROFESSIONAL REGULATORY BOARD OF METALLURGICAL
ENGINEERING

SEC. 6. *Creation and Composition of the Professional Regulatory Board of Metallurgical Engineering.* – There is hereby created a Professional Regulatory Board of Metallurgical Engineering, hereinafter called the Board, under the administrative control and supervision of the Professional Regulation Commission, hereinafter called the Commission, to be composed of a chairperson and two (2) members to be appointed by the President of the Philippines from a list of three (3) recommendees for each position, chosen and ranked in the order of preference and submitted by the Commission from a list of five (5) nominees submitted by the duly accredited professional organization of metallurgical engineers in the Philippines. The Board shall be organized not later than six (6) months from the effectivity of this Act.

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

- (a) Supervise and regulate the practice of metallurgical engineering profession;
- (b) Determine and evaluate the qualifications of the applicants for registration;
- (c) Prescribe the subjects in the licensure examinations, determine the syllabi of the subjects and their relative weights, construct the test questions in the examinations, score and rate the examination papers, and submit the examination results to the Commission;
- (d) Issue, together with the Commission, certificates of registration and professional identification cards to applicants who have passed the licensure examinations for registered metallurgical engineers;
- (e) Issue special/temporary permits to foreign metallurgical engineers to practice the profession;
- (f) Inquire into conditions affecting the practice of the profession and adopt measures for the enhancement and maintenance of high professional, ethical and technical standards. Pursuant thereto, the Board may inspect establishments where metallurgical engineers practice their profession such as factories, plants, offices and the like, in order to determine and enforce compliance with the provisions of this Act, and issue certificates of compliance for the purpose;

- (g) Assess the faculty and other aspects directly related to the metallurgical engineering program of educational institutions in coordination with the CHED;
- (h) Adopt the implementing rules and regulations (IRR) necessary for carrying out the provisions of this Act;
- (i) Adopt a Code of Ethics and a Code of Professional and Technical Standards for the practice of the metallurgical engineering profession;
- (j) 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 Metallurgical Engineers, administrative policies, orders and issuances promulgated by the Board;
- (k) Issue subpoena *duces tecum* to secure the attendance of witnesses or the production of documents in connection with administrative cases before the Board;
- (l) Hear and decide administrative cases filed against metallurgical engineers and firms employing metallurgical engineers. The hearing shall be presided by the chairperson or a member of the Board with the assistance of an attorney of the Commission. The decision of the Board may be appealed to the Commission and to the court within fifteen (15) days from notice, otherwise the decision shall become final and executory;
- (m) Administer oaths in connection with the performance of its functions;
- (n) Adopt an official seal and prescribe the seal of the metallurgical engineering profession;
- (o) Submit an annual report on the proceedings and accomplishments during the year and/or recommendations of the Board to the Commission thirty (30) days after the close of each calendar year;
- (p) Prosecute or institute criminal action against any violator of this Act and/or rules and regulations of the Board;
- (q) Prescribe guidelines and criteria on the Continuing Professional Education (CPE) program for metallurgical engineers in consultation with the integrated and accredited professional organization of metallurgical engineers; and
- (r) 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.

SEC. 8. *Qualifications of the Chairperson and Members of the Board.* – The chairperson and members of the Board, at the time of their appointment, must be:

- (a) A citizen and a resident of the Philippines;
- (b) A holder of a bachelor's degree in metallurgical engineering as conferred by an engineering school of good standing, recognized and accredited by the government;
- (c) A registered metallurgical engineer with a valid certificate of registration and professional identification card and an active practitioner for not less than ten (10) continuous years prior to the appointment;

(d) A person who does not have any direct or indirect pecuniary interest in any university, college, school or institution conferring an academic degree necessary for the admission to the practice of metallurgical engineering, or in any institution where review classes in preparation for the licensure examinations for metallurgical engineers are being officially offered or conducted; and not be a member of the faculty or of the administration thereof prior to appointment to the Board; and

(e) A member of the Accredited Professional Organization (APO) of metallurgical engineers but not a trustee or officer thereof.

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

The chairperson and members of the Board shall take the proper oath prior to the assumption of office.

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

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

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

(a) Gross neglect, incompetence or dishonesty in the discharge of their duties;

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

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

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