

[REPUBLIC ACT NO. 10166, June 11, 2012]

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 ACT 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 "Geology Profession Act of 2012?.

SEC. 2. *Statement of Policy.* – It is hereby declared the policy of the State to supervise and regulate the practice of geology which is vital to national development; upgrade geology education and the quality of geologists whose standards of professional practice 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, the following:

- (a) the examination, registration and licensure of geology profession;
- (b) the supervision, control and regulation of the practice of geology;
- (c) the development of the professional competence of geologists through continuing professional education; and
- (d) the integration of the geology profession.

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

(a) *Practice of Geology* shall mean the offering or rendering of services of any of the specialized branches of geology for a fee, reward or compensation, paid to him/her or through another person or persons, or even without such reward or compensation.

(b) *Board* shall mean the Board of Geology.

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

(d) *Continuing Professional Education (CPE)* shall mean the inculcation, assimilation and acquisition of knowledge, skills, proficiency and ethical and moral values, after the initial registration of a professional that raise and enhance the professional's technical skills and competence.

SEC. 5. *Scope of Practice.* – A person shall be deemed to be practicing geology or rendering geological service in government, industry and the academe when he/she undertakes geological work for a fee, salary or remuneration. The scope of practice of a geologist shall include, but not be limited to, the following:

(a) General geological survey or mapping, whether onshore or offshore, to identify different types of rocks, geologic structures, metallic and non-metallic mineral deposits and/or energy resources such as petroleum, gas, coal, geothermal systems as well as groundwater resources;

(b) Exploration for metallic and non-metallic mineral resources outside active mining areas and/or mine exploration to locate extensions or mineral deposits inside mine operating areas;

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

(d) Study of geohazards due to faulting, volcanism, ground subsidence, groundwater pollution, weathering and erosion; their characteristics, and impact on housing and infrastructure projects and the environment;

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

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

(g) Gathering, processing and evaluation of geologic data for environmental assessment and management, including conservation and biodiversity projects;

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

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

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

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

The Board, subject to approval by the Commission, may add to or exclude any act as the need 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.* – There is hereby created a Professional Regulatory Board of Geology, hereinafter referred to as the Board, under the administrative control and supervision of the Professional Regulation Commission, hereinafter referred to as the Commission, composed of a chairman and two (2) members to be appointed by the President of the Philippines from among those recommended by the Commission from the nominees of the duly APO of geologists. The new Board shall be constituted 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) To supervise and regulate the practice of geology profession;
- (b) To determine and evaluate the qualifications of the applicants for registration;
- (c) To 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) To issue, together with the Commission, certificates of registration and professional identification cards to applicants who have passed the licensure examinations for professional geologists;
- (e) To issue temporary/special permits to foreign geologists to practice the profession;
- (f) To 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 geologists practice their profession such as mines, 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) In coordination with the Commission on Higher Education (CHED), inspect the facilities, faculty, equipment and other aspects directly related to the geology program of educational institutions;
- (h) To adopt the implementing rules and regulations (IRR) necessary for carrying out the provisions of this Act;
- (i) To adopt a Code of Ethics and a Code of Professional and Technical Standards for the practice of geology profession;
- (j) To 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;
- (k) To issue *subpoena duces tecum* to secure the attendance of witness or the production of documents in connection with administrative cases before the Board;
- (l) To hear and decide administrative cases filed against geologists and firms employing the same. The hearing shall be presided by the chairman 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) To administer oaths in connection with the performance of its functions;

(n) To adopt an official seal and prescribe the seal of the geology profession;

(o) To 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) To prosecute or institute criminal action against any violator of this Act and/or rules and regulations of the Board;

(q) To prescribe guidelines and criteria on the CPE program for geology in consultation with the integrated and APO of geologists; and

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

SEC. 8. Qualifications of the Chairman and Members of the Board. – The chairman and members of the Board, at the time of the appointment, shall be:

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

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

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

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

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

SEC. 9. Terms of Office. – The chairman and every member of the Board shall hold office for a term of three (3) years or until their successors shall have been duly appointed. They may be reappointed for another term of three (3) years immediately after the expiry 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 chairman and members shall qualify by taking the proper oaths prior to assumption of office.

SEC. 10. Compensation of the Board. – The chairman and members of the Board shall receive compensation and allowances comparable to that being received by the

chairman 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 Suspension or Removal of Board Chairman/Members.* – The President, upon the recommendation of the Commission after due process and administrative investigation conducted by the Commission, may remove or suspend a chairman or member of the Board on any of the following grounds:

- (a) gross neglect, incompetence or dishonesty in the discharge of their duty;
- (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, and other laws; or
- (c) manipulation or rigging of the results of the geology licensure examination, 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 fiscal year giving detailed account of Board proceedings during the year and embodying such recommendations as the Board may desire to make.

ARTICLE III

LICENSURE EXAMINATION AND REGISTRATION

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

SEC. 15. *Holding of Examination.* – Examination of candidates applying for registration as geologist shall be given at least once a year in such places and dates as the Commission may designate in accordance with the provisions of Republic Act No. 8981, otherwise known as the PRC Modernization Act.

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

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

The Board, subject to approval by the Commission, may revise or exclude any of the subjects and their syllabi, and add new ones as the need arises to conform to