

**[ REPUBLIC ACT NO. 4274, June 19, 1965 ]**

**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 it 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."

SEC. 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 Engineers to be composed of three registered mining engineers, all to be appointed by the President of the Philippines.

SEC. 3. *Powers vested in the Board.* — The Board of Examiners for Mining Engineers 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 President of the Philippines, the adoption of such measures as may be deemed proper for the vigorous enforcement of this Act.

SEC. 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 a pecuniary interest in such institution;
6. Recommended by the corresponding bona-fide professional mining engineering society.

SEC. 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.

SEC. 6. *Executive Officer and the Secretary of the Board.* — The Commissioner of Civil Service shall be the Executive Officer of the Board and shall conduct the examination given by the Board. The Secretary of the Board of Examiners appointed under Act Numbered Four thousand seven shall also be the Secretary of the Board. All records and minutes of the deliberations of the Board, including the examination papers, shall be kept by the Civil Service Commission under the custody of the Commissioner of Civil Service.

SEC. 7. *Removal of the Board Members.* — The President, thru his Executive Secretary, 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.

SEC. 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, which shall pay all authorized compensation and expenditure by the Board.

SEC. 9. *Rules and Regulations.* — The Board may, subject to the approval of the President of the Philippines, adopt such rules and regulations as may be necessary to carry out the provisions of this Act.

SEC. 10. *Submission of Annual Report.* — The Board shall submit an annual report to the President of the Philippines, through his Executive Secretary, 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. — Registrations and Examinations

SEC. 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.

SEC. 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 or 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, open-cuts, pits and/or quarries; shaft sinking, tunnelling, stoping, dredging, hydraulicking and sluicing for minerals and/or mineral products: *Provided*, That the above functions are exercised in a responsible and independent capacity.

SEC. 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 Boards of Examiners.

SEC. 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.

SEC. 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 the other 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.

SEC. 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.

SEC. 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 economics, mining laws and ethics shall be forty per cent; that of geology and surveying, twenty per cent; that of metallurgy, twenty per cent; and that of applied mathematics, twenty per cent.

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

SEC. 19. *Issuance of Certificates.* — The Board of Examiners for Mining Engineers