

# Republic Act No. 10688

[October 20, 2015](#)

Tags: [Benigno S. Aquino III](#), [engineering](#), [Laws](#), [Republic Acts](#)

S. No. 2103

H. No. 5014

## Republic of the Philippines Congress of the Philippines

### Metro Manila

### Sixteenth Congress

### Third Regular Session

Begun and held in Metro Manila, on Monday, the twenty-seventh day of July, two thousand fifteen.

[ Republic Act No. **10688** ]

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.

### 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 metallurgical engineering 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 metallurgical engineer 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.

SEC. 16. *Scope of Examination.* — Unless modified by the Board and approved by the Commission, the licensure examination shall cover, but shall not be limited to, the following subjects:

- (a) Mineral Processing, Extractive Metallurgy, Assaying and Chemistry;
- (b) Physical and Applied Metallurgy;
- (c) Fuel Technology and Refractory Science;
- (d) Engineering Management, Law and Ethics;
- (e) Applied Mathematics and Mechanics; and
- (f) Any other pertinent subject as the Board may deem necessary to test the applicant's ability and knowledge to ensure safety, economy, proficiency and environmental compliance in the design, construction, installation, maintenance, operation, organization and management of metallurgical plants: *Provided*, That the relative weight of (a) and (b) subjects shall not be less than thirty percent (30%) each.

The Board, subject to the approval of the Commission, may amend or revise the subjects, their syllabi, passing average, and the system and procedure in the licensure examinations for the practice of metallurgical engineering and the corresponding weight pursuant to the IRR issued

for this purpose. The said subjects and their syllabi may be amended by the Board so as to conform to technological changes brought about by continuing trends in the profession.

SEC. 17. *Qualifications of Applicants for Metallurgical Engineer.* — Applicants for the licensure examination for metallurgical engineers shall establish to the satisfaction of the Board that they possess the following qualifications:

(a) A citizen of the Philippines or a foreign citizen whose country has reciprocity agreement with the Philippines;

(b) Of good moral character;

(c) A holder of a degree of Bachelor of Science in Metallurgical Engineering, Metallurgy or related engineering degree majoring in Metallurgical Engineering or Metallurgy from a university, school, college, academy or institute duly constituted and recognized as such by the government; and

(d) Must not have been convicted by a court of law of a crime involving moral turpitude.

SEC. 18. *Examination Fees.* — Any applicant admitted to take the metallurgical engineering examination shall pay such fees as may be prescribed by the Commission before one shall be allowed to take the examination.

SEC. 19. *Rating in the Licensure Examination.* — To pass the licensure examination for metallurgical engineering, a candidate must obtain a general weighted average of not less than seventy percent (70%) and a rating of not less than fifty percent (50%) in any examination subject.

SEC. 20. *Report of Ratings.* — The Board shall, within fifteen (15) days from the last day of examinations, report the rating of examinees to the Commission.

SEC. 21. *Exemption from Examination.* — A person may be registered as metallurgical engineer and given a license to practice as metallurgical engineer without examination, who:

(a) Had graduated with a degree of Bachelor of Science in Metallurgical Engineering before the enactment of Presidential Decree No. 1536, the “Metallurgical Engineering Law of the Philippines” in June 1978 and who, on the date of approval of this Act, had an accumulated fifteen (15) years of experience in any of the metallurgical practice as defined in Section 4 of this Act: *Provided*, That the said experience is certified by the applicant’s employer/s and approved by the Board; or

(b) Had graduated with a doctorate degree in Metallurgy, Metallurgical Engineering or in related fields: *Provided*, That the applicant is a graduate of Bachelor of Science in Metallurgical Engineering, Metallurgy or related engineering degree majoring in Metallurgical Engineering or Metallurgy.

An applicant for exemption from examination shall submit to the Board of Metallurgical Engineering the following:

(1) Diploma or transcript of records; both must be authenticated; and

(2) A metallurgical engineering report/doctoral thesis, which shall serve as a basis whether the applicant, in the opinion of the Board, deserves exemption from examination.

SEC. 22. *Qualifications of Applicants for Metallurgical Plant Foreman.* — Applicants for a certificate of registration without examination as a metallurgical plant foreman, shall, prior to admission for certification, establish to the satisfaction of the Board that they possess the following qualifications:

(a) A citizen of the Philippines;

(b) Of good reputation and moral character; and

(c) At least a high school graduate with at least ten (10) years of experience in any metallurgical plant as defined in Section 4 of this Act and as certified by the applicant's present employer, or a graduate of any engineering degree with at least five (5) years of experience in any metallurgical plant as defined in Section 4 of this Act and as certified by the applicant's present employer/s.

The Board shall, subject to the approval of the Commission, adopt such rules and regulations as may be necessary to classify metallurgical foremen to such metallurgical plants as concentrators, foundries, smelters, refineries and any other specific classification, as may be found necessary.

SEC. 23. *Issuance of Certificate of Registration and Professional Identification Card.* — A certificate of registration shall be issued to those who are registered with or without licensure examination subject to payment of fees prescribed by the Commission. It shall bear the signatures of the 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, certifying that the person named therein is entitled to all rights and privileges of a registered metallurgical engineer or metallurgical plant foreman 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.

SEC. 24. *Issuance of Certificate of Specialization.* — Upon the domination of the APO of metallurgical engineers, the Board shall issue a certificate of specialization to an applicant who is a registered metallurgical engineer and who has specialized knowledge, training and experience in a specific field of metallurgy and has documented expertise and competence on the same.

SEC. 25. *Seal of a Metallurgical Engineer.* — A metallurgical engineer, upon registration and payment of fees and dues to the APO, shall obtain a seal of such design prescribed by the Board, bearing the registrant's name, certificate number and the legend "Registered Metallurgical Engineer". Designs, plans, specifications, project feasibility studies, appraisals, valuations, recommendations, technical reports, proposals, and other professional documents involving metallurgy, quarries, colliery works, projects or installations shall be stamped on every sheet with the said seal of the registrant when filed with government authorities or when submitted or used professionally: *Provided*, That it shall be unlawful for anyone to stamp or seal any document with the said seal after the certificate and/or professional identification card shall have been revoked, cancelled or expired.

SEC. 26. *Fees for Registration.* — Every person issued a certificate of registration shall pay to the Commission such fees as the Commission may prescribe.

SEC. 27. *Issuance of Temporary/Special Permits.* — Temporary/Special permits shall be issued to the following upon proper application with the Board:

(a) Foreign metallurgical engineers, recognized as experts in their specific fields of metallurgical engineering, 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;

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

(c) Foreign metallurgical engineers who are duly registered under the bilateral or multilateral agreements where the Philippines is a signatory: *Provided*, That all the above shall secure a temporary/special permit from the Board prior to arrival in the country.

SEC. 28. *Refusal to Register.* — The Board shall not register any successful applicant for registration with or without licensure examination who has been:

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

- (b) Found guilty of immoral or dishonorable conduct by the Board;
- (c) Summarily adjudged guilty for violation of the General Instruction to Examinees by the Board; and
- (d) Declared of unsound mind by a court of competent 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.

*SEC. 29. Revocation or Suspension of the Certificate of Registration and Professional Identification Card and Cancellation of Temporary/Special Permit.* — The Board shall have the power, upon notice and hearing, to revoke or suspend the certificate of registration and professional identification card of a registered metallurgical engineer or to cancel a temporary/special permit granted to a foreign metallurgical engineer for violation of any of the grounds or causes provided in Section 28 of this Act, except paragraph (c) thereof, and for any of the following:

- (a) Violation of a provision of this Act, its IRR, Code of Ethics and Code of Professional and Technical Standards for the practice of metallurgical engineering;
- (b) Perpetration or use of fraud in obtaining one's certificate of registration, professional identification card or temporary/special permit;
- (c) Gross incompetence, negligence or ignorance resulting to death, injury or damage;
- (d) Any act of misrepresentation in connection with an alleged performance of metallurgical engineering activities;
- (e) Acts inimical to the metallurgical engineering profession;
- (f) Gross immorality;
- (g) Conviction by final judgment of any act involving moral turpitude;
- (h) Aiding or abetting the illegal practice of a nonregistered and non-licensed metallurgical engineer by allowing the use of one's certificate of registration, professional identification card or temporary/special permit;
- (i) Illegal practice of the profession during the suspension from the practice thereof; and
- (j) Addiction to drugs or alcohol impairing the ability to practice the profession, or a declaration by a court of competent jurisdiction that the registrant is of unsound mind.

The Board shall periodically evaluate the aforementioned grounds and revise, exclude or add new ones as the need arises subject to the approval by the Commission.

Any person, firm or association may file charges in accordance with the provision of this section against any registrant, or the Board may investigate violation of any of the abovementioned causes. An affidavit-complaint shall be filed together with the affidavits of witnesses and other documentary evidence with the Board through the Legal and Investigation Office. The Board may *motu proprio* conduct an investigation 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 by the Commission shall govern the hearing or investigation subject to applicable provisions of this Act, Republic Act No. 8981 and the Rules of Court.

*SEC. 30. Reissuance of Revoked Certificate of Registration, Replacement of Lost or Damaged Certificate of Registration, Professional Identification Card or Temporary/Special Permit.* – The Board may, upon petition, reinstate or reissue a revoked certificate of registration after two (2) years from the effectivity of the period for revocation, which is the date of surrender of the said certificate and/or the professional identification card if still valid to the Board and/or the Commission. The Board may not require the holder thereof to take another licensure



examination. The petitioner shall prove to the Board that one has valid reasons to practice the profession. For the grant of the petition, the Board shall issue a Board Resolution subject to approval by the Commission.

Duplicate copy of lost certificate of registration, professional identification card or temporary/special permit may be reissued in accordance with the rules thereon and upon payment of the prescribed fee therefor.

#### ARTICLE IV

##### PRACTICE OF METALLURGICAL ENGINEERING

SEC. 31. *Who May Practice Metallurgical Engineering.* – Except as may be provided in this Act, only persons properly licensed and registered may practice metallurgical engineering. For purposes of this Act, no firm, partnership, corporation or association may be licensed and registered as such for the practice of metallurgical engineering, but duly licensed and registered metallurgical engineers may form partnerships among themselves or with other licensed and registered engineers and architects and use the title “Metallurgical Engineers”, “Engineers”, or “Engineers and Architects” in their partnership name.

No firm, partnership, corporation or association shall operate a metallurgical plant without a minimum complement of licensed metallurgical engineers pursuant to the IRR issued for this purpose.

SEC. 32. *Vested Rights.* – All practicing metallurgical engineers who are registered as metallurgical engineers at the time this Act takes effect shall automatically be registered under this Act as registered metallurgical engineers.

SEC. 33. *Roster of Metallurgical Engineers.* – A roster showing the names, registration numbers and dates of issue and expiry, current addresses, and place of business of all metallurgical engineers shall be prepared and kept by the Commission which shall be made available to interested parties upon formal written request.

SEC. 34. *Foreign Reciprocity.* – No foreign metallurgical engineer shall be given a certificate of registration/professional license and professional identification card or be entitled to any of the privileges under this Act unless the country or state of which he is a subject or a citizen permits Filipino metallurgical engineer to practice within its territorial limits on the same basis as the subjects or citizens of said country or state.

SEC. 35. *Indication of Certificate of Registration, Professional Tax Receipt and APO Membership.* – The metallurgical engineer shall be required to indicate the certificate of registration number and the duration of validity, including the professional tax receipt number and APO membership fee receipt number on the documents one signs, uses or issues in connection with the practice of the profession.

SEC. 36. *Posting of Certificates.* – Registered metallurgical engineers shall post or cause to be posted in a conspicuous place within the office or place of business the certificate of registration as metallurgical engineer, and one shall present the same upon demand of members of the Board or law enforcement officers of the national, provincial, city or municipal governments.

SEC. 37. *Continuing Professional Education (CPE) and/or Development Programs.* — All registered metallurgical engineers and metallurgical plant foremen shall comply with pertinent rules and regulations already prescribed by and/or as may be prescribed and promulgated by the Commission and/or the Board, the APO and other government agencies, pursuant to this Act and other relevant laws, international treaties, agreements and/or covenants to which the Philippines is a signatory and has ratified, with respect to CPE and/or development and/or other similar/related programs.

SEC. 38. *Integration of the Metallurgical Engineering Profession.* – The metallurgical engineering profession shall be integrated into one (1) national professional organization of metallurgical engineers that—is duly registered with the Securities and Exchange Commission (SEC). The Board, subject to approval by the Commission, shall accredit the said organization as

the one and only integrated and APO of metallurgical engineers. All metallurgical engineers whose names appear in the registry book of metallurgical engineers 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 metallurgical engineering organizations.

## ARTICLE V

### PENAL AND GENERAL PROVISIONS

SEC. 39. *Penal Clause.* – The following shall, upon conviction, be punished by a fine of not less than ten thousand pesos (P 10,000.00) but not more than one million pesos (P 1,000,000.00) or imprisonment of not less than one (1) month but not more than five (5) years, or both, at the discretion of the court:

(a) Any person who shall practice metallurgical engineering in the Philippines, as defined in this Act, without a valid certificate of registration, a valid professional identification card or a valid temporary/special permit in accordance with the provisions of this Act, unless declared exempt from registration;

(b) Any person presenting or using as one's own the certificate of registration, professional identification card or temporary/special permit of another;

(c) Any person who shall give any false or forged evidence;

(d) Any person who shall impersonate any registrant of like or different name;

(e) Any person who shall use a revoked or suspended certificate of registration, a valid professional identification card or a valid temporary/special permit or an expired/noncurrent professional identification card, or an expired/cancelled temporary/special permit; or

(f) Any person who shall assume, use or advertise any title or description lending to convey the impression that one is a metallurgical engineer without having completed the academic requirements and conferred the appropriate baccalaureate degree for such, or is engaged in the metallurgical engineering practice without holding a valid certificate of registration, a valid professional identification card or a valid temporary/special permit from the Board.

SEC. 40. *Legal Effect on Other Professions.* – This Act shall not affect or prevent the practice of any other legally recognized profession.

SEC. 41. *Enforcement of this Act by the Officers of the Law.* — The Board shall be assisted by the Commission in carrying out the provisions of this Act and its IRR and other policies. The lawyers of the Commission shall act as the prosecutors against illegal practitioners and other violations of this Act and its IRR. The duly constituted authorities of government shall likewise assist the Board and the Commission in enforcing the provisions of this Act and its IRR.

SEC. 42. *Implementing Rules and Regulations (IRR).* – Subject to the approval of the Commission, the Board, in consultation with the APO, shall adopt and promulgate the IRR, the Code of Ethics, and the Code of Professional and Technical Standards for Metallurgical Engineers to carry out the provisions of this Act.

SEC. 43. *Funding Provision.* – The amount necessary to implement the provisions of this Act shall be included in the annual General Appropriations Act.

SEC. 44. *Transitory Provisions.* — (a) After the approval of this Act, metallurgical engineers possessing valid certificates of registration issued under Presidential Decree No. 1536, otherwise known as the “Metallurgical Engineering Law of the Philippines”, shall register with the Board and be issued certificates as registered metallurgical engineers under this Act to replace their original certificates of registration, upon payment of the required fees.

(b) The present chairperson and members of the Board shall automatically be issued certificates of registration as registered metallurgical engineers. They shall continue to function in the Board until such time as a new Board shall be constituted under this Act.

SEC. 45. *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. 46. *Repealing Clause.* – Presidential Decree No. 1536 is hereby repealed. All other laws, parts of law, orders, ordinances or regulations relative to the practice of metallurgical engineering which are inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

SEC. 47. *Effectivity.* – This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general circulation in the country.

Approved,

(Sgd.) **FELICIANO BELMONTE JR.**  
*Speaker of the House  
of Representatives*

(Sgd.) **FRANKLIN M. DRILON**  
*President of the Senate*

Senate Bill No. 2103, which was approved by the Senate on September, 2014, was adopted as an amendment to House Bill No. 5014 by the House of Representatives on August 10, 2015.

(Sgd.) **MARILYN B. BARUA-YAP**  
*Secretary General  
House of Representatives*

(Sgd.) **OSCAR B. YABES**  
*Secretary of the Senate*

Approved: **OCTOBER 20, 2015**

(Sgd.) **BENIGNO S. AQUINO III**  
*President of the Philippines*