

## **REGULATING THE PRACTICE OF THE METALLURGICAL ENGINEERING PROFESSION IN THE PHILIPPINES AND PROVIDING FOR THE LICENSING AND REGISTRATION OF METALLURGICAL ENGINEERS**

*PRESIDENTIAL DECREE NO. 1536, June 11, 1978*

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WHEREAS, while other professions are protected from the influx of foreign practitioners, metallurgical engineers have been left to compete on their own ways with foreign metallurgical engineers and non-metallurgical engineers practising metallurgical tasks;

WHEREAS, there is a need to regulate the practice of the metallurgical engineering profession in the country and to protect the metal industry from unscrupulous practitioners; and

WHEREAS, in order to give justice to the men who have pioneered in this profession and to enhance the development of our metal industry, it is now high time for the government to create the Board of Metallurgical Engineering which will be responsible for the promotion, development and implementation of the rules and regulations of the discipline in order to sustain the need of one of the fastest growing industries in the Philippines today, the metal industry;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution, do hereby order and decree:

### **ARTICLE I**

SECTION 1. Title of Decree.—This Decree shall be known as the "Metallurgical Engineering Law of the Philippines."

SEC. 2. Creation and Composition of the Board—Within thirty days from the effectivity of this Decree, there shall be created a Board of Metallurgical Engineering, hereinafter referred to as the "Board", to be composed of three members, all of whom shall be appointed by the President of the Philippines upon recommendation of the Professional Regulation Commission from among those nominated by the duly accredited professional organizations involved in minerals and metals processings or studies. One of the appointed members the Board shall be designated as Chairman.

SEC. 3. Powers Vested in the Board.—The Board is hereby empowered to administer oaths; to issue, suspend and revoke certificates of registration for the practice of metallurgical engineering; to investigate violations of this Decree and for this purpose it may, under the hand of its chairman and seal of the Board, subpoena witnesses and compel their attendance; to inspect metallurgical plants; to look into the conditions affecting the teaching and practice of metallurgical engineering in the Philippines; to recommend the adoption of such rules and regulations and other measures as may be deemed proper for the enforcement of this Decree; and to discharge such other duties as the Board may deem necessary for the maintenance of ethical and technical standards of the metallurgical profession.

SEC. 4. Qualifications of Board Members—Each member of the Board shall at the time of his appointment:

- Be a citizen of the Philippines;
- Be a holder of at least the degree of Bachelor of Science in Metallurgical Engineering or Metallurgy with at least five years experience in metallurgical practice as defined in Section 12 of this Decree after graduation, or a holder of the degree of Doctor of Science of Philosophy in Metallurgical or Mineral Engineering or Metallurgy with at least two years experience in metallurgical work;
- Be registered and legally qualified to practice metallurgical engineering in the Philippines, except for the members of the first Board who shall automatically be registered under the provisions of this Decree; and
- Not be a member of the faculty of any school, college or university, where degrees in metallurgy, metallurgical engineering or mining engineering are granted, nor has pecuniary interests in such institution at least two years before his appointment as member of the Board.
- Must be recommended by a bona fide professional mineral or metal organization of the Philippines.

SEC. 5. Term 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 Decree shall hold office for the following terms:

One member, (who shall be the Chairman of the Board) for one year, one member for two years and one member for three years. The Chairmanship of the Board for any year shall be held by the member of his last tenure year as member of the Board. In case of death, incapacity or removal for cause of any member, a new member shall be appointed by the President of the Philippines, and shall serve the unexpired portion of the term of his predecessor.

SEC. 6. Executive Officer and Secretary of the Board—The Professional Regulation Commission shall designate an executive officer of the Board who shall conduct the examination given by it. The Secretary of the Professional Regulation Commission shall also be the Secretary of the Board. All records and minutes of the deliberation of the Board, including examination papers, shall be kept by the Professional Regulation Commission under the direct custody of the Secretary.

SEC. 7. Removal of Board Members.—The President may remove any member of the Board for continued neglect of duty or incompetency, or for unethical or immoral conduct, after having given the member concerned an opportunity to defend himself in a proper administrative investigation.

SEC. 8. Compensation of the Board.—The members of the Board shall receive compensation at the current rate of the other Boards of Engineering. A member of the Board who is, at the same time, a government employee shall receive the compensation herein provided in addition to his salary. All fees shall be received by the Professional Regulation Commission which shall pay all authorized compensations and expenditures of the Board.

SEC. 9. Rules and Regulations.—The Board may, subject to the approval of the Professional Regulation Commission, adopt such rules and regulations as may be necessary to carry out the provisions of this Decree.

SEC. 10. Submission of Annual Report.—The Board shall submit an annual report to the President of the Philippines through the Commissioner of the Professional Regulation Commission after the close of each calendar year, giving a detailed account of its proceedings during the year and making such recommendation as it may deem proper.

## ARTICLE II

### REGISTRATION AND EXAMINATION

SEC. 11. Inhibition from practising the Metallurgical Engineering Profession.—Unless exempt from registration, no person shall practice or offer to practice metallurgy or metallurgical engineering in the Philippines as defined in this Decree, without having previously obtained a certificate of registration as Metallurgical Engineer from the Board of Metallurgical Engineering created under this Decree; and in the case of foreigners, unless the country of which he is a citizen permits Filipino metallurgical engineers to practice their profession within their territorial limits.

SEC. 12. Definition of Terms.—

- A person shall be deemed to be practising metallurgical engineering within the meaning and intent of this Decree who shall, for a fee, salary or other reward or compensation, paid to him or through another person, or even without such reward or compensation, render or offer to render professional service in metallurgy or metallurgical engineering in the form of consultation, investigation, valuation, planning, designing or supervision of operation.
- The term metallurgy or metallurgical engineering as used in this Decree, shall mean the teaching and practice of the science and technology of preparing minerals and metals from their ores by separating them from mechanical mixture and chemical combination and/or finally processing them for use. Metallurgy or metallurgical engineering embraces:
  - Mineral Processing and Extractive Metallurgy—the scientific, engineering and economic aspects of the 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, hydro-metallurgical processes such as leaching, electro-metallurgical processes such as electric smelting and electrolysis and other similar processes.
  - Physical Metallurgy—processes specifically relating to the control of microstructure of metals and its alloys such as heat treatment and surface hardening; quality control in allowing operations to meet specification of metal alloys; and metallographic studies. These apply to powder, mechanical, nuclear and vacuum metallurgy.
  - Fuel Technology—fuel preparation processes such as washing, flotation, heavy media separation including carbonization, gasification and cooking operations.

SEC. 13. Exemption from Registration.—Registration shall not be required of the following classes of persons upon proper application for exemption with the Board of Metallurgical Engineering:

- Foreign consultants, engineers and technicians called in by the Republic of the Philippines for consultation or for specific assignment or project.
- Foreign consultants, engineers and technicians employed by private firms for which the pertinent professional society certifies that no qualified Filipino is available, in which case the Board may, in its discretion, allow them to practice without registration: Provided, That the private firm shows justification for the need of said consultants, engineers and technicians to the satisfaction of the Board: Provided, further, That the period of employment shall be for one (1) year extendable for another year but not to exceed three (3) years for any one individual.

Employment of foreigners under paragraphs (a) and (b) of this section shall be subject to the following conditions:

- That the applicant is of good reputation and moral character;
- That the applicant's curriculum vitae and detailed description of his assignment shall be submitted to the Board together with his application for exemption;
- That the applicant will not engage in private practice on his own account;
- That for every applicant one Filipino understudy who is registered under the provisions of this Decree shall be employed by the private firm utilizing the services of such applicant for at least the duration of the foreign expert's tenure with the said firm; and
- That the applicant is legally qualified to practise his profession in his own state or country and that the country of which he is a citizen or subject permits Filipino metallurgical engineers and metallurgists to practise their profession within its territorial limits.
- Engineering students, apprentices and other persons employed or acting as subordinates of/or undergoing training under a person holding a valid certificate of registration under this Decree.

SEC. 14. Examination Required.—Except as otherwise specifically allowed under the provisions of this Decree, applicants for registration for the practice of metallurgical engineering shall be required to undergo an examination as provided for in this Decree.

SEC. 15. Qualification for Examination.—In order to be admitted to the metallurgical engineering examination, an applicant shall establish to the satisfaction of the Board that:

- He is a citizen of the Philippines or if a foreigner, his country must accord reciprocity with the Philippines;
- He is at least twenty-one years of age;
- He is of good reputation and moral character; and
- He is graduated from a school, college, university or institute recognized by the government with at least:
  - Bachelor of Science in Metallurgical Engineering or Metallurgy or its equivalent, the course for which covers not less than the total number of credit units equivalent to the regular course in metallurgical engineering; or
  - Bachelor of Science in Mining Engineering or Chemical Engineering and in addition has had at least five years experience in any or all of metallurgical engineering practice as defined in Section 12 of this Decree; or
  - Bachelor of Science in any other engineering disciplines and in addition has had at least 10 years experience in any or all of the metallurgy or metallurgical engineering practice as defined in Section 12 of this Decree: Provided, That the said experience is certified by the applicant's employer and approved by the Board: Provided, further, That said other engineering professions shall give the same privilege to graduates of metallurgy or metallurgical engineering.

SEC. 16. Exemption from Examination.—A person may be registered as metallurgical engineer and given a license to practice as metallurgical engineer without examination, who, on the date of approval of this Decree:

- Had graduated from a school, college or university recognized by the government with a degree of Bachelor of Science in Metallurgy or Metallurgical Engineering, and has had at least five (5) years experience in any or all of the metallurgical practice as defined in Section 12 of this Decree after graduation; or
- Had graduated with a degree of Master of Science in Metallurgy or Metallurgical Engineering or its equivalent and has had at least two (2) years experience in any or all of the metallurgical practice as defined in Section 12 of

this Decree; or

- Had graduated with a degree of Doctor or Philosophy in Metallurgy, Metallurgical Engineering or Doctor of Science in Metallurgy, Metallurgical Engineering; or
- Had graduated from a school, college, university or institute recognized by the government with a Bachelor of Science in Mining or Chemical Engineering; and has had at least ten (10) years experience in any metallurgical practice as defined in Section 12 of this Decree after his graduation; or
- Had graduated with a degree of Bachelor of Science in any other engineering discipline and in addition has had at least 15 years experience in any metallurgical practice as defined in Section 12 of this Decree after his graduation; or
- Are foreign metallurgists or metallurgical engineers, who had been in the actual and bona fide practice or metallurgy or metallurgical engineering for at least five consecutive years in the Philippines as approved by the Board; Provided, That no foreign metallurgical engineer or metallurgist shall be allowed to practice his profession in the Philippines unless the country of which he is citizen or subject permits Filipino metallurgical engineers or metallurgists to practise their profession within its territorial limits; and Provided, further, That the required experience mentioned above is certified by the applicant's employer and approved by the Board.

All applicants for exemption from examination shall submit to the Board of Metallurgical Engineering the following:

- Diploma or transcript of records or Board Registration Certificate number.
- A metallurgical engineering report which shall serve as a basis whether applicant, in the opinion of the Board, deserves exemption from examination.

All applications for registration without examination shall be filed within two (2) years from the date of effectivity of this Decree, except for those who graduated with a Doctorate degree who may apply at anytime.

SEC. 17. Qualifications of Applicants for Metallurgical Plant Foreman.—Any person applying for a certificate of registration without examination as Metallurgical Plant Foreman, shall, prior to his admission for certification, establish to the satisfaction of the Board that:

- He is a citizen of the Philippines;
- He is of good reputation and moral character;
- He has at least ten years experience in any metallurgical works as defined in Section 12 of this Decree and as certified by applicant's present employer.

The Board shall, subject to the approval of the Professional Regulation 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. 18. Date and Scope of Examination.—Examinations for the practice of Metallurgical Engineering in the Philippines shall be given on the second Monday of February and August of each year. Unless modified by the Board and approved by the Commission, the examination shall cover questions relating to:

- Mineral Processing, Physical Metallurgy, Assaying and Chemistry;
- Extractive and Applied Metallurgy;

- Fuel Technology, Foundry, and Refractory Science;
- Engineering Management, Law and Ethics;
- Applied Mathematics and Mechanics and any other pertinent subjects as the Board may deem necessary to test the applicant's ability and knowledge to insure safety, economy and proficiency in the design, construction, installation, maintenance, operation, organization and management of metallurgical plants: Provided, that the relative weight of 1 and 2 subjects shall not be less than thirty per cent each.

SEC. 19. Report of Rating—The Board of Metallurgical Engineering shall, within ninety days after the examination, report the ratings obtained by each candidate to the Commissioner of the Professional Regulation Commission.

SEC. 20. Issuance of Certificate—The Board of Metallurgical Engineers shall issue certificates of registration to:

- Examinees who have successfully passed the board examinations for metallurgical engineers and have complied with the requirements of the rules and regulations prescribed by the Board;
- Persons who have applied for registration without examination and who possess the qualifications listed in Section 16 of this Decree, and have complied with the requirements of the rules and regulations prescribed by the Board; and
- Applicants for Metallurgical Plant Foreman as approved by the Board.

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, the Commissioner of PRC, and shall be attested to by the Official seal of the Board: Provided, that the issuance of certificate of registration by the Board to a registrant shall be evidence that the person named therein is entitled to all rights and privileges of a Registered Metallurgical Engineer or Metallurgical Plant Foreman while said certificate remains unrevoked or suspended.

SEC. 21. Fees for Examination and Registration—Every applicant for the Metallurgical Engineer licensure examination shall pay one hundred and fifty pesos as examination fee; one hundred pesos as registration fee for every registrant after passing the examination; and ten pesos as annual registration fee.

Registrants without examination shall pay one hundred and fifty pesos plus the registration fees herein prescribed.

SEC. 22. Reprimand, Suspension and Revocation of Certificate—The Board shall have the power to reprimand any registrant, or suspend or revoke his certificate of registration for any cause specified in this section, or for the use or perpetuation of any fraud or deceit in obtaining said certificate, or for gross negligence or incompetency, or for unprofessional, dishonorable or immoral conduct, after giving him proper notice and hearing.

It shall be sufficient for the revocation of a certificate issued under this Decree that he has:

- Signed any metallurgical report, design, or work not prepared by him nor executed under his direct and immediate supervision; or
- Represented himself as having taken charge of, undertaken or supervised the metallurgical work in an area or of a project without actually having done so.

Any person or persons, firm, associates or corporation may file charges in accordance with the provisions of this Section against any registrant or the Board itself may motu proprio investigate and take cognizance of acts and practices constituting sufficient cause or suspension or revocation of the certificate of registration by proper order or resolution. Such charges shall be in writing and shall be sworn to by the person making them and filed with the

Secretary of the Board.

SEC. 23. Reissue of Revoked Certificates and Replacement of Lost Certificates—The Board may, after the expiration of one (1) year from the date of revocation of a certificate of registration, for reasons it may deem sufficient, entertain an application for a new certificate of registration from a person whose certificate has been revoked, in the same manner as application for an original certificate and in doing so it may, in its discretion, exempt the applicant from the necessity of undergoing another examination. Issuance of certificate of registration to replace any certificate lost, destroyed or mutilated shall be subject to the rules of the Board and a charge at current rate shall be made for such issuance.

### ARTICLE III

#### SUNDRY PROVISIONS RELATIVE TO THE PRACTICE OF METALLURGICAL ENGINEERING

SEC. 24. Prohibitions in the Practice of Metallurgical Engineering—A person who shall practice metallurgical engineering in the Philippines as defined, without a certificate of registration issued in accordance with the provisions of this Decree, or without having been declared exempt, or any person presenting or using as his own a 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 metallurgist or metallurgical engineer or is engaged in metallurgical work without holding a valid certificate of registration from the Board, or any person who shall commit misdemeanor, shall upon conviction be sentenced to a fine of not less than three thousand pesos nor more than five thousand pesos, or to suffer imprisonment for a period of not less than one month nor more than six months, or both, in the discretion of the court.

SEC. 25. Practice of Firms and Corporations—A firm, co-partnership, company, corporation or association can practise metallurgical engineering in the Philippines, provided that such practice is carried out by metallurgical engineers holding valid certificates of registration issued by the Board and in the regular employ of said firm, co-partnership, company, corporation or association.

SEC. 26. Posting of Certificates—Registered metallurgical engineers shall post or cause to be posted in a conspicuous place within his office or place of business his certificate of registration as metallurgical engineer; he shall present the same upon demand of members of the Board, or law-enforcing officers of the national, provincial, city, or municipal governments.

SEC. 27. Roster of Metallurgical Engineers—A roster showing the names and places of business of all registered metallurgical engineers shall be prepared by the Secretary of the Board annually, commencing one year from the date this Decree becomes effective. Copies of this roster may be released to any government agency or to the public upon request.

### ARTICLE IV

#### FINAL PROVISIONS

SEC. 28. Appropriation—The sum of ten thousand pesos, not otherwise appropriated, is hereby authorized to be appropriated to be disbursed by the Professional Regulation Commission in accordance with the provisions of this Decree. All sums collected in accordance with this Decree shall be paid into the National Treasury as part of the general funds thereof: Provided, That during the first twelve months from effectivity of this Decree any portion of

this sum collected may be used for purposes of this Decree to cover disbursements in excess of the amount appropriated herein.

SEC. 29. Separability Clause—If any section or sections of this Decree are declared unconstitutional or invalid, this shall not invalidate any other section hereof.

SEC. 30. Repealing Clause.—All laws, decrees, orders, rules and regulations or parts thereof which are in conflict with the provisions of this Decree, including parts of Act Numbered Twenty-Nine Hundred and eighty-five, as amended, as pertain to the practice of metallurgy, are hereby repealed or modified accordingly.

SEC. 31. Effectivity Clause—This Decree shall take effect immediately.

Done in the City of Manila, this 11th day of June, in the year of Our Lord, nineteen hundred and seventy-eight.

(Sgd.) FERDINAND E. MARCOS  
President of the Philippines

By the President:

(Sgd.) JACOBO C. CLAVE  
Presidential Executive Assistant

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