

AN ACT TO REGULATE THE PRACTICE OF GEOLOGY IN THE PHILIPPINES AND TO PROVIDE FOR THE LICENSING AND REGISTRATION OF GEOLOGISTS.

REPUBLIC ACT NO. 4209, June 19, 1965

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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 "Geology Profession 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 Geologists to be composed of three members, one of whom to be designated chairman, all to be appointed by the President of the Philippines upon recommendation by the Geological Society of the Philippines.

SEC. 3. Powers vested in the Board. — The Board of Examiners for Geologists is vested with authority conformably with the provisions of this Act, to administer oaths, to issue, suspend and revoke certificates of registration for the practice of geology, to investigate violations of this Act and for this purpose it may, under the hand of its chairman and seal of the Board, subpoena witnesses (and compel their attendance), and to discharge such other duties as the Board may deem necessary for the maintenance of ethical and technical standards of the geology 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 geology 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 enforcement of this Act.

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 any of the degrees of Bachelor of Science in Geology, Bachelor of Science in Mining Engineering, Bachelor of Science, major in Geology, Master of Science (Geology), all with at least ten years experience in geologic work after graduation, or a holder of the degree of Doctor of Philosophy (Geology) with at least five, years experience in geologic work ;
- Be a registered geologist in the Philippines, except for the members of the first Board who shall automatically be registered under the provisions of this Act; and
- Not be a member of the faculty of any school, college or university, where degrees in geology, mining engineering or geological engineering are granted, nor has pecuniary interests in such institution at least two years before his appointment as member of the Board.

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 Act 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 on his last tenure year as member of the Board. In case of death or removal for cause of any member, a new member shall be appointed by the President of the Philippines, and shall serve the unfinished term of his predecessor. 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 Secretary of the Board. — The Commissioner of Civil Service shall be the executive officer of the Board and shall conduct the examination given by it. The Secretary of the Board 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 examination papers, shall be kept by the Civil Service Commission under the direct custody of the Secretary.

SEC. 7. Removal of Board Members. — The President through his Executive Secretary may remove any, member of the Board for continued neglect of duty or incompetency, or for unethical 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 each receive as compensation the sum of twenty pesos for each applicant examined or registered without examination as geologist. A member of the Board who is at the same time a government employee shall received the compensation herein provided in addition to his salary. All fees shall be received by the Civil Service Commission, which shall pay all authorized compensations and expenditures of the Board.

SEC. 9. Rules and Regulations. — The Board may, with the advice and consent of the Commissioner of Civil Service and 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. Penal provisions shall be included in said regulations.

SEC. 10. 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 it may deem proper.

Article II

Registration and Examination

SEC. 11. Inhibition from practicing the profession of geology. — Unless exempt from registration, no person shall practice or offer to practice geology in the Philippines as defined in this Acts without having previously obtained a certificate of registration as geologist from the Board of Examiners for Geologists created under this Act; and in the case of non-Filipinos, unless the country of which he is a citizen permits Filipino geologists or geological engineers to practice their professions within the territorial limits.

SEC. 12. Definition of Terms. — A person shall be deemed to be practicing geology or rendering geological service within the meaning of this Act who shall, for a fee, salary or other reward or compensation paid to him or through another person, render or offer to render geological work by means of signs, cards, advertisements or any other way, in the form of consultation, geological investigation involving geologic mapping, paleontology, petrology, mineralogy or other branches of geology.

SEC. 13. Exemption from Registration. — Registration shall not be required of the following classes of persons:

- A qualified geologist or geological engineer called in by the Republic of the Philippines for consultation or for conduct of a specific geological investigation: Provided, That his or her practice shall be confined to said

consultation or investigation: And provided, further, That prior written permission is secured from the Board.

- A geologist or geological engineer called in by a bona fide corporation registered under the laws of the Philippines, for consultation on or for conduct of a specific investigation: Provided, however, That his or her practice is confined to said consultation or investigation: And provided, further, That such consultation or investigation shall not last longer than six months, renewable under authority of the Board for an additional period of not more than six months: And provided, further, That such geologist or geological engineer is legally qualified to practice as geologist or geological engineer in his or her own state or country: And provided, finally, That his or her state or country grants the same reciprocity to Filipino citizens.

SEC. 14. Examinations Required. — Except as otherwise allowed under the provisions of this Act, all applicants for registration for the practice of geology shall be required to undergo technical written examinations as provided in this Act.

Sec. 15. Qualifications for Examinations. — In order to be admitted to the examination for geologists, an applicant shall establish to the satisfaction of the Board that:

- He is at least twenty-one years of age;
- He is of good reputation and moral character;
- He has graduated from a school, college or university recognized by the government, with any of the degrees of
- Bachelor of Science in Geology, Geological Engineer, or Master of Science (Geology);
- Bachelor of Science in Geological Engineering;
- Bachelor of Science, Major in Geology; and
- Bachelor of Arts, major in Geology.

Provided, That if the applicant is a foreigner, he must satisfy the above-mentioned requirements and establish to the satisfaction of the Board that his state or country accords the same reciprocity with the Philippines: Provided, further, That holders of the degree of bachelor of science who, on or before the date of approval of this Act, are actually engaged in the practice of geology or any of its branches shall qualify for the examination within a period of not more than five years after the approval of this Act: Provided, finally, That the required practice herein mentioned is certified by the applicant's employer and approved by the Board.

SEC. 16. Registration without examination. — A person may be registered as geologist and given a license to practice as geologist without examination, who, on the date of approval of this Act:

- had graduated from a school, college or university recognized by the government with any of the degrees of Bachelor of Science in Geology; Bachelor of Science in Mining Engineering; Bachelor of Science in Geological Engineering; Bachelor of Science, major in geology; or Bachelor of Arts, major in geology; and has had at least ten years experience in geological work after his graduation; or
- had passed the civil service examination for geologists or for assistant geologists; or
- had graduated with a degree of Master of Science in Geology or Geological Engineer; or
- is qualified for admission to the examination for geologists under the terms specified in Section fifteen of this Act and must have had at least five years experience in geological work and had accomplished a geological report written by him as sole or principal author for evaluation by the Board as attesting to the applicant's geological proficiency;

Provided, That the required experience mentioned above is certified by the applicant's employer and approved by the Board: Provided, further, That those who may be registered under the above-mentioned exemptions shall register within two years after the approval of this Act, otherwise such privilege shall be considered waived: Provided, furthermore, That any person who on the date of the approval of this Act is employed by the government or the industry and who has been rendering for a period of at least five years, as certified to by his employer, paleontology or mineralogy or petrology work, the merits of which shall be evaluated by the Board by means of a written report by the applicant covering his previous work along the line for which he is seeking registration, and if found deserving by the Board, may be granted and issued a registration in that branch of geology wherein he had been practicing which shall entitle the holder to practice in the branch of geology for which he has qualified: Provided, finally, That one with a degree of Doctor of Philosophy (Geology) or Doctor of Science (Geology) may be registered without examination.

SEC. 17. Date and Scope of Examination. — Examinations for the practice of geology in the Philippines shall be given on the second Monday of September of each year. The examination shall cover questions in:

- General Geology; covering physical geology, historical geology and/or paleontology, geomorphology, map interpretation, report writing, etc.
- Petrology and Mineralogy; covering rock and ore specimens, petrographic principles megascopic mineral determinations, mineral assemblages and composition, crystal habits and forms, etc.
- Structural Geology; covering structural geology, stratigraphy, sedimentation, photogeology, etc.
- Economic Geology; covering ore deposits, mineral resources, mineragraphy, geochemistry, geophysics, etc.

SEC. 18. The Board of Examiners for Geologist shall, within ninety days after the examination, report the ratings obtained by each candidate to the Commissioner of Civil Service, who shall, with his recommendation, submit such ratings to the President of the Philippines for his approval.

SEC. 19. Issuance of Certificates. — The Board of Examiners for Geologists shall issue certificates of registration,

- to examinees who have successfully passed the board examinations for geologists and have complied with the requirements of the rules and regulations prescribed by the Board; and
- to persons who have applied for registration without examination and who possess the qualifications listed in Section sixteen of this Act, and have complied with the requirements of the rules and regulations prescribed by the Board.

Provided, however, That those who have had at least five years experience as geological technicians upon approval of this Act as certified to by their employer and approved by the Board, may be granted testimonial certificates as geologic aides.

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 and the Commissioner of Civil Service, and shall be attested by the official seal of the Board. Further, 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 geologist while said certificate remain unrevoked or unsuspended.

SEC. 20. Fees for Examination and Registration. — Every applicant for registration and/or examination as geologist shall pay a fee of fifty pesos.

SEC. 21. 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 perpetration of any fraud or deceit in obtaining said certificate, or for gross negligence or incompetence, or for unprofessional, dishonorable or immoral conduct, after giving him proper notice and hearing: Provided, however, That within thirty (30) days after the decision of the Board has been promulgated, the same shall be appealable to the President of the Philippines whose decision shall be final.

It shall be sufficient for the revocation of a certificate issued under this Act, on the ground of unprofessional or dishonorable conduct on the part of the registrant, that he has:

- Signed any geological report, geological maps 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 geological work in an area or of a project without actually having done so, or
- Represented himself in a report as discrediting a mineral property of a client and later filing a claim or claims on said property, directly or indirectly, for the gain or advantage of himself or another client.

Any person or persons, firm, association or corporation may prefer 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 causes for 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 shall be filed with the Secretary of the Board.

SEC. 22. Reissue of Revoked Certificate and Replacement of Lost Certificate. — The Board may, after the expiration of one year from the date of revocation of a certificate of registration for reasons it may deem sufficient, entertain any 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 may be issued subject to the rules of the Board and a charge of ten pesos shall be made for such issuance.

Article III

Sundry Provisions Relative to the Practice of Geology and Geological Engineering

SEC. 23. Prohibitions in the practice of geology — Penal Provisions. — A person who shall practice geology in the Philippines as defined in this Act, without a certificate of registration issued in accordance with the provisions of this Act, unless declared exempt, or any person presenting or using as his own 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 geologist or is engaged in geological 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 live hundred pesos nor more than one thousand pesos, or to suffer imprisonment for a period of not less than six months nor more than one year, or both, in the discretion of the Court.

SEC. 24. Practice of Firms and Corporations. — A firm, co-partnership, company, corporation, or association can practice geology in the Philippines, provided that such practice is carried out by geologists holding valid certificates of registration issued by the Board and in the regular employ of said firm, co-partnership, company,

corporation or association.

In case of a firm, co-partnership, company, corporation or association, the manager, administrator, or the person who has charge of the management or administration of the business shall be held personally liable for any violation of this Act.

SEC. 25. Posting of certificate. — A registered geologist shall post or cause to be posted in a conspicuous place within his office or place of business his certificate of registration as geologist; 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. 26. Roster of Geologists. — A roster showing the names and places of business of all registered geologists shall be prepared by the Secretary of the Board annually, commencing one year from the date this Act becomes effective. Copies of this roster shall be mailed to each person so registered, placed on file with the Office of the President of the Philippines, the Director of Mines, the mayors of all chartered cities, municipal mayor and provincial governors, the National Economic Council, Department of Labor, Bureau of Immigration, and other government agencies as may be deemed necessary, or released to the public upon request.

Article IV

Final Provision

SEC. 27. The sum of two thousand pesos, not otherwise appropriated, is hereby appropriated to be disbursed by the Office of the President of the Philippines in accordance with the provisions of this Act. All sums collected in accordance with this Act shall be paid into the National Treasury as part of the general funds thereof: Provided, That during the first twelve months of operation of the Act any portion of this sum collected may be used for the purpose of this Act to cover disbursements in excess of the amount appropriated herein.

SEC. 28. If any section or sections of this Act shall be declared unconstitutional or invalid, no other section or provision of this Act shall be affected thereby.

SEC. 29. Any person who has passed the corresponding board examination for the practice of a profession already regulated by existing law shall not be subject to the provisions of this Act if in the practice thereof he has to perform work or service regulated by this Act.

SEC. 30. All laws, parts of laws, orders, ordinances, or regulations in conflict with the provisions of this Act are hereby repealed.

SEC. 31. This Act shall take effect upon its approval.

Approved, June 19, 1965.

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