# A picture containing object, clock  Description automatically generatedTHE COMPLAINTS PROCEDURE FOR ACCREDITED COMPETENT PERSON – MINING ENGINEER (EM-ACP) OF THE PHILIPPINE SOCIETY OF MINING ENGINEERS, INC. (PSEM)

**Article 1. Basis and Coverage**

Pursuant to Section 2 of R.A. 8981, otherwise known as “An Act Modernizing the Professional Regulation….”, hereto partly quoted…. “The State recognizes the important role of professionals in nation building and, towards this end, promotes the sustained development of a reservoir of professionals whose competence has been determined by honest and credible licensure examinations and whose standards of professional service and practice are internationally recognized and considered world-class….”, and Section 22 of R.A. 4274, and per Resolution of the Philippine Society of Mining Engineers, Inc. (hereinafter referred to as PSEM for brevity) National Board Resolution No. 2020-008 dated 06 June 2020, all PSEM members who are accredited as Competent Person (CP) as per the Philippine Mineral Reporting Code (PMRC) are hereto covered and guided by this procedure.

# Article 2. PSEM Competent Person (CP) Ethics Committee

Pursuant to PSEM Resolution No. 2020-009 dated 06 June 2020, an Ethics Committee is hereby created.

The Ethics Committee shall consist of One chairperson and at least (2) members. The Chair and members of the Ethics Committee shall be officially appointed by the National Board of PSEM (hereinafter referred to as PSEM Board for brevity). Every after election, all members of the Ethics Committee shall be considered resigned to give the new set/elected PSEM Board the free hand to re-appoint or appoint new members of the Ethics Committee. However, any pending case shall be resolved by the previous members of the Ethics Committee who had started to hear/evaluate the case/issue even if a new set has been appointed and/or recognized.

# Article 3*.* PSEM CP Complaints Procedure

Any person or organization may lodge a complaint against an Accredited Competent Person (ACP-EM) following this procedure.

The complaints shall be solely/exclusively against the works of an ACP-EM under the Philippine Mineral Reporting Code (hereinafter referred to as PMRC for brevity). Other complaints, not related to the PMRC shall be directly lodged with the PSEM National Board who will create a special committee to handle specific complaint depending on the personalities of the complainant and respondents, nature and severity of the complaint and/or may directly file the complaint to the Mining Engineering Professional Regulatory Board or the PRB pursuant to R.A. 4274.

## Section 1. Lodging the Complaint

A complaint must be written in clear, simple and concise language so as to apprise the respondent/s of the nature and cause of the complaint against him/her and to enable him/her to intelligently prepare his/her defense or answer.

It is implicit that the complainant is willing to confront the respondent/s in a hearing that may be arranged by the Ethics Committee. Non-appearance of the complainant in two (2) consecutive hearings called for that purpose is a ground for the dismissal of the complaint. Non-receipt of the notice/s issued by the PSEM (Ethics Committee or National Board) due to erroneous mailing addresses stated in the complaint will be ground for dismissal of the complaint. The venue of the hearing, should it be necessary, shall be at the most convenient location of the Ethics Committee.

The complaint shall contain the following information:

1. Full name/s, complete, correct and current postal & e-mail addresses and active mobile number of the complainant(s);
2. Full names of the respondent(s) and his/her complete, correct and current postal and e-mail addresses, and active telephone and/or mobile number;
3. Detailed information of the material facts which show the acts or omissions allegedly committed by the respondent(s) constituting the complaint, offense or cause of action solely related to PMRC; and
4. Identification of the relevant section/clause of the PMRC allegedly violated;

The complaint must be duly signed and accompanied by certified true copies of documentary evidence and other supporting documents, and affidavits of witnesses, if any.

## Section 2. Receipt, Acknowledgement and Preliminary Assessment

The PSEM National Secretary shall acknowledge receipt of the complaint through email within three working days from receipt thereof.

Upon receipt of the complaint, the PSEM Secretary shall, through email, transmit simultaneously the same to the PSEM President who shall cause to call a National Board Meeting. Should the PSEM Board decide that the complaint is indeed valid pursuant to content and coverage (must be within the PMRC), then the complaint/s will be downloaded to the Ethics Committee for appropriate action. Otherwise, the complaint/s may be dismissed outright.

## Section 3. Notification, Full Assessment and Consideration

The PSEM Ethics Committee shall notify the respondent via courier, enclosing therein a copy of the complaint, within fifteen calendar days upon receipt of the downloaded complaint from the National President.

The respondent shall be required to reply to the complaint in writing within thirty (30) calendar days from receipt of the notice. Subsequently, the Ethics Committee shall review and evaluate the complaint/s versus the arguments based on documents submitted. However, the Ethics Committee may opt for personal hearing, if deemed necessary, and the expenses shall be shouldered by the complainant and respondent equally.

## Section 4. Endorsement and Decision

The Ethics Committee shall endorse to the PSEM Board its determination, i.e., findings and recommendations.

The PSEM Board shall review and decide on approving, modifying, or rejecting the Ethics Committee’s output. The decision of the PSEM National Board by majority vote shall be final.

The PSEM President shall inform the respondent, in writing, of the decision made, copy furnish the complainant.

The proceedings, in so far as it is practicable, shall be completed within one year from the date the complaint was received.

## Section 5. Sanctions

The Ethics Committee may recommend to the PSEM Board any of the following sanctions depending on the severity of the breach:

* + Warning/reprimand;
	+ Suspension of the accreditation as ACP-EM for a specified period but not more than six (6) calendar months;
	+ Revocation of Accreditation as CP-EM

# Article 4. Appeals

Action taken by the PSEM Board may be appealed by the respondent within thirty (30) calendar days from the date of receipt of the decision of the PSEM Board, in writing addressed to the PSEM Board, Attention: PSEM President, and copy furnished to the Chairperson of the Ethics Committee, citing the reason(s) for such an appeal.

In case an appeal is made, the PSEM Board shall decide within ninety (90) calendar days from receipt thereof.

# Article 5. Conflict of Interest

Members of the Ethics Committee, as well as the PSEM National Board, knowing the existence of conflict of interest on his/her part in relation to the complaint, must voluntarily inhibit from participating in any part of the proceedings.

# Article 6. Confidentiality

All matters pertaining to a complaint lodged, processed and decided are to be treated with strict confidentiality.

# Article 7. Repealability Clause & Effectivity

This Complaints Procedure shall take effect immediately as approved by PSEM Board Resolution No. 2020-008 dated 06 June 2020. The PSEM Board reserves the right to amend the entire or portion of this Procedure anytime.