

[PRESIDENTIAL DECREE NO. 1385, May 25, 1978]

AMENDING CERTAIN SECTIONS OF PRESIDENTIAL DECREE NO. 463, OTHERWISE KNOWN AS "THE MINERAL RESOURCES DEVELOPMENT DECREE OF 1974".

WHEREAS, the speedy exploration, development and exploitation of our mineral resources is a matter of national concern;

WHEREAS, in the implementation of Presidential Decree No. 463, the implementing agencies concerned have noted that certain provisions thereof are not in keeping with the objectives for which the said Decree was promulgated; and

WHEREAS, there is a need to amend the said provisions to attain optimum development of the mineral resources and minimize the impact of mineral resources development to the national economy;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree the amendment of Presidential Decree No. 463, as follows:

SECTION 1. Section 2 of Presidential Decree No. 463 is hereby amended by amending paragraphs (f) and (o) thereof and by adding a new paragraphs (g) after paragraph (p) thereof, to read as follows:

"SEC. 2. *Definition of Terms.* As used in and for the purpose of this Decree, the following terms, whether in the singular or plural, unless the context indicates otherwise, shall have the following meanings:

"x x x x x

"(f) "Minerals" means all naturally occurring inorganic substances in solid, liquid, or any intermediate state. Soil which supports organic life, sand and gravel guano, coal, patroleum, geothermal energy and natural gas are included in this term but are governed by special laws or by regulations promulgated by the Secretary.

"(o) "Lessee" means a qualified person issued a mining lease contract by the Secretary.

"(g) "Claimowner" means a qualified person who has registered mining claims under previous mining laws or under the Decree."

SEC. 2. Section 6 of the same Decree is hereby amended to read as follows:

"SEC. 6. *Establishment and Reversion of Mineral Reservations.* Upon the recommendation of the Secretary, based on the report submitted by the Director, the President may set aside and establish an area of the public domain as a mineral reservation and prescribe the terms and condition for its disposition and operation, or may alter or modify the boundaries

thereof from time to time or revert any mineral reservation to the public domain without prejudice to any prior subsisting rights.

"When lands within reservations which have been established for purposes other than mining are found more valuable for their mineral contents, they may, upon recommendation of the Secretary, be withdrawn from such reservation by the President and established as a mineral reservation."

SEC. 3. Section 8 of the same Decree is hereby amended to read as follows:

"SEC. 8. *Prospecting, Exploration and Exploitation of Minerals in Reserved Lands.* Prospecting, exploration and exploitation of minerals in reserved lands other than mineral reservation may be undertaken by the proper Government agencies. In the event that the said agencies cannot undertake the prospecting exploration and exploitation of minerals in reserved lands, qualified persons may be permitted to undertake such prospecting, exploration and exploitation, in accordance with the rules and regulations promulgated by the Secretary. The right to exploit the minerals found therein shall be awarded by the President under such terms and conditions as recommended by the Director and approved by the Secretary: *Provided*, That the party who undertook prospecting, exploration and exploitation of said area shall be given priority.

"Notwithstanding the provisions of the preceding paragraph, a special permit may be issued by the Director to the exploration permittee to extract, remove and dispose of minerals in limited quantities as verified by the Bureau of Mines."

SEC. 4. Section 9 of the same Decree is hereby amended to read as follows:

"SEC. 9. *Exploration and Exploitation of Minerals in Mineral Reservations.* The Management of mineral reservations established under Section 6 hereof and the manner of the disposition of the minerals found therein shall be under the jurisdiction of the Mineral Reservation Development Board. Mineral reservations are closed to mining location from the time of their establishment."

SEC. 5. Section 11 of the same decree is hereby amended to read as follows:

"SEC. 11. *Location in Public and Private Lands.* A qualified person may locate mining claims within public and private lands. However, a person may locate and register mining claims for another: *Provided*, That the former is first authorized by the latter by means of a public instrument duly registered with the Mines Regional Officer concerned before the registration of such mining claims."

SEC. 6. Section 12 of the same decree is hereby amended to read as follows:

"SEC. 12. *Entry into Public and Private Lands.* Subject to the provisions of Presidential Decree No. 512, a qualified person and/or his authorized representative shall not be prevented from entry into private lands by surface owners and/or occupants thereof when prospecting, exploring and exploiting for minerals therein. No prospecting, exploration and

exploitation of mineral resources inside a forest concession shall be allowed unless proper notice has been served upon the licensee thereof."

SEC. 7. Section 13 of the same decree is hereby amended to read as follows:

"SEC. 13. *Areas Closed to Mining Location.* No prospecting and exploration shall be allowed:

"(a) In military or other Government reservations except when authorized by the proper Government agency concerned;

"(b) In mineral reservations;

"(c) In lands covered by valid and subsisting mining claims located, and leases acquired, under previous mining laws and in accordance with the provisions of this Decree; and

"(d) Near or under buildings, cemeteries, bridges, highways, waterways, railroads, reservoirs, dams or any other public or private works unless otherwise authorized by the agencies concerned.

"The Secretary shall, upon recommendation of the Director, prescribe in detail the regulations implementing the various restrictions under this Section.

x x x x x"

SEC. 8. Section 15 of the same Decree is hereby amended to read as follows:

"SEC. 15. *Declaration of Location of a Mining Claim.* The declaration of location covering the meridional block or fraction thereof constituting the mining claim shall be filed with the Mining Regional Officer concerned in a form prescribed for the purpose."

SEC. 9. Section 16 of the same decree is hereby amended to read as follows:

"SEC. 16. *Recording of Declaration of Location Ministerial.* Upon payment of the prescribed fees and compliance with the requirements under existing rules and regulations on the matter, recording of a duly accomplished and notarized declaration of location of a mining claim shall be ministerial on the part of the Mining Recorder concerned."

SEC. 10. Section 21 of the same decree is hereby amended to read as follows:

"SEC. 21. *Voluntary Abandonment of a Mining Claim.* A claimowner may, before the grant of the mining lease contract, totally or partially abandon his mining claim by filing with the Mines Regional Officer an affidavit of abandonment. From the date of the recording of such affidavit all his rights and interests in such claim or to the portion thereof abandoned shall be deemed to have ceased: *Provided*, That in case of partial abandonment in any one claim, the area so retained shall be contiguous and the same shall be duly surveyed and the survey returns submitted within one (1) year from date of abandonment: *Provided, Further*, That the original locator or his successors or assigns shall not be allowed to relocate directly or indirectly the abandoned area."

SEC. 11. Section 22 of the same Decree is hereby amended to read as follows:

"SEC. 22. *Creation of Positions of Mines Regional Recorders.* The Mines Regional Officer shall be responsible for the proper recording of mining instruments and documents, and to ensure effective and proper recording of the same, the positions of mines regional recorders are hereby created in every mining region."

SEC. 12. Section 23 of the same Decree is hereby amended to read as follows:

"SEC. 23. *Mining Regions.* The existing mining regions with offices at Baguio City, Metro Manila, Daet, Cebu City and Surigao City shall be retained. Upon the recommendation of the Director, the Secretary shall establish other mining regions as the need for them arises, the boundaries of which shall so far as practicable coincide with the boundaries of the corresponding provisions: *Provided, However,* That mineral districts may be established by the Secretary in existing mining regions subject to such rules and regulations as he may promulgate."

SEC. 13. Section 24 of the same Decree is hereby amended to read as follows:

"SEC. 24. *Expenditures Required.* A claimowner/lessee under this Decree and under the Mining Act (Commonwealth Act No. 137), as amended, shall perform annual work obligations on his mining claim, the value of which shall not be less than the following amounts:

| | |
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| "Before the lease contract is granted, | |
| per hectare per calendar year | P 20.00 |

| | |
|---|---------|
| "After the lease contract is granted, | |
| per hectare per calendar year | P100.00 |

"The annual work obligations for each mining claim registered under this Decree shall start from the date of recording thereof.

"Holders of mining claims required to file lease application under Presidential Decree No. 1214 shall perform annual work obligations (the value of which is as stated above) on the mining claims from the date of filing of said applications."

x x x x x x x x x

SEC. 14. Section 25 of the same decree is hereby amended to read as follows:

"SEC. 25. *Group Development.* The claimowner/lessee may concentrate all the annual work obligations on any one or more of several contiguous or geologically related mining claims in one province if it can be shown to the Director that such concentration of work will be most advantageous