

# [ PRESIDENTIAL DECREE NO. 581, November 13, 1974 ]

## **PRESCRIBING A HEAVIER MINIMUM. PENALTY FOR HIGHGRADING OR THEFT OF GOLD FROM A MINING CLAIM OR MINING CAMP.**

**WHEREAS**, "highgrading" or the theft of gold has become rampant in the mining areas where gold is produced because of the high price that this precious metal now commands in the free market;

**WHEREAS**, gold mining is one of the industries that the Government encourages because of the role that gold plays in our economy not only as an important part of our international reserves, but also as one of our principal sources of foreign exchange;

**WHEREAS**, the existing laws have proved inadequate in curbing highgrading because of the difficulty in apprehending highgraders and also because of the light penalties usually imposed on the accused due to the relatively low value which the Courts give to stolen gold-bearing ores or rocks;

**WHEREAS**, "*highgrading*" causes damage not only to the operator of the mining claims, but also to the Government which loses the foreign exchange and the taxes the stolen gold could have generated and, worse, it promotes black-marketing and smuggling abroad of this precious metal; and

**WHEREAS**, one of the principal aims of our New Society is to stamp out all forms of lawlessness to promote the social and economic well-being of our people;

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

**SECTION 1.** Any person who shall take gold-bearing ores or rocks from a mining claim or mining camp or shall remove, collect or gather gold-bearing ores or rocks in place or shall extract or remove the gold from such ores or rocks, or shall prepare and treat such ores or rocks to recover or extract the gold contents thereof, without the consent of the operator of the mining claim, shall be guilty of "highgrading" or theft of gold and shall suffer a penalty of *prision-correccional* in its minimum period, but if the accused is an employee or laborer of the operator of the mining claim, the penalty shall be *prision-correccional* in medium period without prejudice to the imposition of the higher penalties provided in Article 309 of the Revised Penal Code if the value of the goods stolen so warrants. The penalty next lower in degree than that prescribed hereinabove shall be imposed if the offense is frustrated, and the penalty two degrees lower if the offense is attempted.

**SEC. 2.** The unauthorized possession by any person within a mining claim or mining camp of gold-bearing ores or rocks or of gold extracted or removed from such ores or rocks, shall be *prima facie* evidence that they have been stolen from the operator of a mining claim.

**SEC. 3.** Any person who knowingly buys or acquires stolen gold-bearing ore or rocks or the gold extracted or removed therefrom shall be guilty of theft as an accessory and penalized with *arresto mayor* in its maximum period.