

**[ REPUBLIC ACT NO. 4388, June 19, 1965 ]**

**AN ACT AMENDING SECTIONS TWENTY-FOUR, THIRTY-THREE, THIRTY-FOUR, THIRTY-SEVEN, FORTY-SEVEN, SIXTY-ONE, SIXTY-TWO, SIXTY-EIGHT, SEVENTY-THREE, SEVENTY-SIX, PARAGRAPH (A), EIGHTY-ONE, EIGHTY-NINE, AND NINETY-ONE OF COMMONWEALTH ACT NUMBERED ONE HUNDRED THIRTY-SEVEN, OTHERWISE KNOWN AS THE MINING ACT, AS AMENDED.**

*Be it enacted by the Senate and House of Representative of the Philippines in Congress assembled:*

SECTION 1. Sections twenty-four, thirty-three, thirty-four, thirty-seven, forty-seven, sixty-one, sixty-two, sixty-eight, seventy-three, seventy-six, paragraph (a), eighty-one, eighty-nine and ninety-one of Commonwealth Act Numbered One hundred thirty-seven, as amended, are further amended to read as follows:

"SEC. 24. Prospector may prospect for themselves, or for other persons, associations, corporations, or other entities qualified to locate mining claims and to acquire leases of mineral lands under the provisions of this Act. A proper power of attorney in writing shall, in each case, be given by the employer to his prospector which power of attorney shall be duly acknowledged and shall be recorded in the office of the mining recorder concerned on or before the recording of the declaration of location. A power of attorney not registered on or before the recording of this declaration of location shall make the mining claim or claims null and void. Regardless of the number of claims located by the prospector for the same principal in the same province or mining district, he shall be required to record but one power of attorney in any such province or district.

"SEC. 33. Within thirty days from the date of discovery of mineral the discoverer or locator shall complete the acts of location of a mining claim in accordance with the provisions of this Act, covering the land where the mineral has been discovered. A location made after such period, shall be null and void.

"SEC. 34. Within thirty days after the completion of the acts of location of a mining claim, as hereinafter provided, the locator thereof shall record the same with the mining recorder of the province or district within which the claim is situated. A claim recorded after the prescribed period shall be null and void.

"SEC. 37. In the case of first, second, fourth, and fifth groups of mineral lands, no locator, applicant or lessee shall be entitled to hold or lease in

his, its or their own names or in the name of any person, association, corporation, *sociedad anonima*, or partnership more than the maximum area specified in Section seventy-six of this Act: *Provided, however,* That in the case of lode or placer grounds containing extensive disseminated low-grade ore bodies belonging to the first and fifth groups of mineral lands, whether or not in place, an individual, corporation, *sociedad anonima* or partnership shall be entitled to hold and lease in his, its or their own names, not more than two hundred and fifty placer mining claims on the same lode or placer ground. Extensive disseminated low-grade ore bodies as used in this Act shall mean ore bodies containing minerals in a mass deposit the average aggregate value of the commercially recoverable metals or minerals of which does not exceed the equivalent in value, at the time leased, of ore containing by weight three *per centum* of copper alone. The Secretary of Agriculture and Natural Resources shall, thru the Director of Mines, determine at the time of the granting of the lease or leases whether the mining claims for which lease is applied come under the provisions of this section.

"SEC. 47. The record of a lode or placer claim shall consist of a declaration of location which shall contain, among others, the name of the claim, the name of each locator, the date of location, the names of the sitio, barrio, municipality, province and island, in which the claim is situated, the words written on the number one and number two posts in the case of lode claims, and a true copy of the notice posted on the placer claim and shall recite all the facts necessary to the identification of the lode or placer claim, as well as a description of the claim as staked and monumented, showing the length the approximate compass bearing, as near as may be, of each side or course thereof, and stating in what manner the respective corners are marked, whether by standing tree, rock in place, post, or stone, and giving in detail the distinguishing marks that are written or cut on each, and also stating as accurately as possible the bearing and distance of corner post number one to the tie point, which shall be a permanent and prominent object: *Provided,* That in the location of contiguous claims by the same locator, the tying of corner post number one of any of the said claims will constitute substantial compliance with this provision. The declaration of location that has no bearing and distance to a tie point as herein described shall be null and void.

"For the purpose of this section, a permanent and prominent object used as a tie point may be an intersection of known roads; a junction of known rivers or creeks, a known public or private structure; a corner of approval public, private or mineral land survey; a kilometer post of public road; or location monument or triangulation station established by the Bureau of Lands, Bureau of Mines, Army Corps of Engineers, Bureau of Coast and Geodetic Survey, or other government agencies.

"SEC. 61. Conflicts and disputes arising out of mining locations shall be submitted to the Director of Mines for decision: *Provided,* That the decision or order of the Director of Mines may be appealed to the Secretary of Agriculture and Natural Resources within thirty days from receipt of such decision or order. In case any one of the parties should

disagree from the decision or order of the Secretary of Agriculture and Natural Resources, the matter may be taken to the Court of Appeals or the Supreme Court, as the case may be, within thirty days from the receipt of such decision or order, otherwise the said decision or order shall be final and binding upon the parties concerned. Findings of facts in the decision or order of the Director of Mines when affirmed by the Secretary of Agriculture and Natural Resources shall be final and conclusive, and the aggrieved party or parties desiring to appeal from such decision or order shall file in the Supreme Court a petition for review wherein only questions of law may be raised.

"SEC. 62. Any qualified person making a valid location of a mining claim or claims, his successors and assigns, acquires thereby the right of exploration and occupation from the date of the registry of the claims in the office of the mining recorder; and if he applies for lease of said claim or claims and, no written protest is filed in the Bureau of Mines against such application subject to the rules and regulations that the Secretary of Agriculture and Natural Resources may prescribe, he shall be entitled, before the lease is granted as provided in this Act, to a temporary permit, to be issued by the Secretary of Agriculture and Natural Resources within forty-five days from the date application for such permit is filed, accompanied by the necessary technical description and survey plan of the mining claim or claims, to mine, extract, and dispose of minerals from said claims or claims for commercial purposes, subject however, to the filing of a surety bond for such amount and under such terms and conditions to be determined by the Director of Mines and approved by the Secretary of Agriculture and Natural Resources and to the payment of royalties provided in the National Internal Revenue Code, as amended, for claims covered by lease: *Provided, however,* That if the mining claim applied for is involved in a conflict as herein provided, the party in whose favor a decision has been rendered shall be granted the temporary permit applied for upon the filing of a surety bond doubled the amount as required herein: *Provided, further,* That the holders of mining claims located under the Act of Congress of July one, nineteen hundred and two, as amended, who may apply for a lease or leases thereon under the provisions of Section sixty-eight of this Act, as amended, subject to the rules and regulations that the Secretary of Agriculture and Natural Resources may prescribe, may extract minerals therefrom for commercial purposes without such temporary permit until such time as the leases applied for are granted, subject, however, to the payment or royalties provided for in the National Internal Revenue Code, as amended, of the claims covered by leases and to the conditions that the claims to be developed or exploited shall first be properly surveyed: *Provided, finally,* That the Secretary of Agriculture and Natural Resources may at any time cancel for violation of laws and regulations and after due hearings the temporary permit granted under the provisions of this Act, and in case of unpatented mining claims located under the Act of Congress of July one, nineteen hundred and two, as amended, stop the extraction of minerals therefrom for commercial purposes, without any responsibility on the part of the Government as to the expenditures for development works or exploitation purposes that might have been incurred by the applicants, pending the determination of their applications for lease.