

[REPUBLIC ACT NO. 746, June 18, 1952]

AN ACT TO AMEND SECTIONS TWENTY-EIGHT, FIFTY-NINE, SIXTY-ONE, SIXTY-TWO, SIXTY-FOUR, SIXTY-EIGHT, SEVENTY-THREE, AND ONE HUNDRED, OF COMMONWEALTH ACT NUMBERED ONE HUNDRED THIRTY-SEVEN, AS AMENDED, OTHERWISE KNOWN AS THE MINING ACT.

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

SECTION 1. Subsection (a.) of section twenty-eight of Commonwealth Act Numbered One hundred thirty-seven, known as the Mining Act, is hereby amended to read as follows:

"SEC. 28. No prospecting shall be allowed:

"(a) In a mineral reserve which has been proclaimed closed to mining locations, and in reservations established for other purposes, except by the Government."

SEC. 2. Section fifty-nine of Commonwealth Act Numbered One hundred thirty-seven, known as the Mining Act, is hereby amended to read as follows:

"SEC. 59. Fifty *per centum* of the fees collected by authority of the preceding section shall accrue to the province and fifty *per centum* of the same, shall accrue to the municipality in which the mining claim is located. In the case of chartered cities the full amount shall accrue to the city concerned. The city or municipality and province shall provide funds for the necessary personnel, postage, supplies and materials, and equipment needed by the mining recorder in the registration and safe keeping of mining documents."

SEC. 3. Section sixty-one of the same Act is hereby amended to read as follows:

"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 the date of its receipt. In case any one of the parties should disagree from the decision or order of the Director of Mines or of the Secretary of Agriculture and Natural Resources, the matter may be taken to the court

of competent jurisdiction 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."

SEC. 4. Section sixty-two of the same Act, as amended, is hereby further amended to read as follows:

"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, upon investigation, it shall be found that it is free of claims and conflicts or that his application appears to be *prima facie* well founded, 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, accompanied by the necessary technical description and survey plan of the mining claim or claims, is filed, to mine, extract and dispose of minerals from said claim or claims for commercial purposes, subject, however, to the payment of royalties provided in the National Internal Revenue Code, as amended, for claims covered by lease: *Provided, however,* 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 of royalties provided for in the National Internal Revenue Code, as amended, for claims covered by leases and to the condition that the mining claim or 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 provision of this Act, and in the 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 expenditures for development works or exploitation purposes that might have been incurred by the applicants, pending the determination of their applications for lease."

SEC. 5. Section sixty-four of the same Act is hereby amended to read as follows:

"SEC. 64. The Director of Mines may designate competent mineral or deputy mineral land surveyors to survey mining claims for any necessary purpose under the provisions of this Act. He is also hereby empowered to