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## THE REGALIAN DOCTRINE

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The mining bill now under study by the Committee on Mines of the National Assembly adopts the Regalian doctrine by virtue of which all minerals, even those found in private lands, belong to the State. There are three theories on the subject of ownership of minerals found in private lands:

1. That the minerals belong to the owner of the soil in virtue of the principle that whoever owns the soil also owns everything above it to the skies, and under it to the center of the earth.

2. That they belong to the king or to the State. This is called the Regalian doctrine, which is adopted by the mining bill referred to.

3. That the metal belongs to the finder on the theory that it is *res nullius*, without any owner, and therefore it should be awarded to the first occupant.

The first theory obtains in France, England, and the United States. The second theory, the Regalian doctrine, obtains in Spain, the Philippines, Mexico and the South American republics. The third theory is sustained by some jurists. The majority of the Spanish jurists assail the Regalian doctrine. Among these jurists are the eminent Manresa and Sanchez Roman. Incidentally, it should be noted that although these two authors very often disagree, they concur in rejecting the Spanish law on the point of ownership of minerals in private lands. Manresa says that the Regalian doctrine must be based on the obsolete idea of the feudal times that all lands belonged to the King. He adds that if this feudal theory is rejected, as it should be, then there is no other alternative than to proclaim the communistic idea that all means and instruments of production should belong to everybody. Sanchez Roman agrees with Manresa on this last point. Moreover, in advocating that minerals

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should belong to the owner of the soil, Sanchez Roman advances, among others, the following reasons:

1. That such principle, awarding minerals to the owner of the land rests upon a profound respect for private property, whose concept does not allow any limitation on the enjoyment by the owner.

2. The minerals, which are considered part of the real property by virtue of the right of accession, should belong to the owner of the principal thing, which is the land.

3. This solution of the problem is in harmony with the other principles of Civil Law, which define the extent of ownership.

The writer of these lines has quoted these two eminent jurists in order to show that although the Civil Code of Spain and the Spanish mining laws (including those in force here during the Spanish regime) have adopted the Regalian doctrine, yet such positive legislation does not agree with the best thought among the Spanish jurists.

However, it seems that this question has been settled by the Constitution of the Philippines in favor of the Regalian doctrine. Section 1, of Article XII, provides among other things, as follows:

"Section 1. All agricultural, timber, and mineral lands of the public domain, waters, *minerals*, of potential energy, and other natural resources of the Philippines belong to the State."

The mining bill, therefore, is merely carrying out the principle as enunciated in the above provision of the Constitution of the Philippines. But it may be asked whether the method adopted in the bill is conducive to the best interests of the country. According to Sections 24 and 28 of the bill, prospectors may enter upon private lands by paying just compensation, and with the owner's permission. If the landowner refuses to grant permission, the prospector may enter upon the land upon depositing with the Court an amount for damages to crops and improvements. The landowner has no right to the minerals.

It seems to the writer that the owner of the private land should be preferred in regard to prospecting and locating mines in his own land. This is done in the Spanish Mining Law of 1868, Section 16, in regard to the placers, provided the landowner develops the land for minerals within a certain period of time.

If it be argued that the mining industry should be encouraged and that minerals found in private lands should there-

fore be open to exploration and development by anybody, the proper solution is that the landowner should be preferred in locating claims on his own land. If he does not care to do so, and a third person wants to prospect, a special proceeding for expropriation should be instituted by the latter and the Courts will declare whether the cultivation of the land or the exploration for minerals is more in keeping with the public interest. If the Courts decide that the land should be explored and located for minerals, then the owner should be compensated not only for the surface taken but he should also be given some share or interest in the mining venture.

The policy proposed in the mining bill of opening private lands to exploration for minerals instead of giving preference to the landowner, may lead to several evils, among which the following may be mentioned:

1. There may be violent conflicts between the prospector and the owner of the land when the latter refuses to allow exploration by third persons. It is true that the mining bill allows the Courts to fix the damages in such case, but the bill does not give the landowner more than compensation for the crops and improvements, and so he may not like the idea of his land being entered upon by others.

2. The average Filipino citizen has always cherished the idea that everything on or underneath his land belongs to him. The Commonwealth government, by strictly enforcing the Regalian doctrine—which was liberally interpreted by the Spanish government in favor of the landowner—might cause disillusion and discontent among hundreds of thousands of small farmers all over the islands when they see the gold and other valuable metals in their own lands taken away by others. Not only that, but if the prestige and the solidity of land ownership are jeopardized, we might see the impairment of one of the most sacred sentiments in the heart of the Filipino, and that is, his love for his own land. This is a civic virtue which wise statesmanship should at all times conserve and uphold, for it is one of the bulwarks of every stable government

AN ACT TO PROVIDE FOR THE CONSERVATION, DIS-  
POSITION, AND DEVELOPMENT OF MINERAL  
LANDS AND MINERALS<sup>1</sup>

*Be it enacted by the National Assembly of the Philippines:*

CHAPTER I.—*Title of Act*

SECTION 1. The short title of this Act shall be "The Mining Act."

CHAPTER II.—*Definitions*

SEC. 2. The terms "person," "holder," "occupant," "locator," "licensee," "lessee," "permittee," "owner," whenever used in this Act, shall include an individual, a corporation, a *sociedad anónima*, a limited partnership and an unincorporated association, and words in the singular shall include the plural, and *vice versa*. The term "ton" as used in this Act shall mean a short ton of nine hundred seven and two tenths (907.2) kilograms.

CHAPTER III.—*Ownership of Minerals and Mineral Lands*

SEC. 3. All mineral lands of the public domain and minerals belong to the State, and their disposition, exploitation, development, or utilization, shall be limited to citizens of the Philippines, or to corporations, or associations, at least sixty *per centum* of the capital of which is owned by such citizens, subject to any existing right, grant, lease, or concession at the time of the inauguration of the Government established under the Constitution.

SEC. 4. The ownership and the right to the use of land for agricultural, industrial, commercial, residential, or for any purpose other than mining does not include the ownership of, nor the right to extract or utilize, the minerals which may be found on or under the surface.

SEC. 5. The ownership of and the right to extract and utilize the minerals included within all areas for which public agricultural land patents are granted are excluded and excepted from all such patents.

SEC. 6. The ownership of and the right to extract and utilize the minerals included within all areas for which Torrens titles are granted are excluded and excepted from all such titles.

SEC. 7. With the exception of the soil which supports organic life, and of ordinary earth, gravel, sand, and stone which

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<sup>1</sup> On account of its importance, Commonwealth Act 137, known as the Mining Law, is reproduced here in full.—Ed.

are used for building or construction purposes, the disposition of which is governed by Act Numbered Three thousand seventy-seven, as amended by Act Numbered Three thousand eight hundred and fifty-two of the Philippine Legislature, all inorganic substances found in nature in solid, liquid, gaseous, or any intermediate state are minerals within the purview of this Act.

SEC. 8. Mineral lands are those in which minerals exist in sufficient quantity or quality to justify the necessary expenditures to be incurred in extracting and utilizing such minerals.

SEC. 9. The exploitation of public and private lands for mining purposes shall be governed by existing laws, rules and regulations which may be promulgated thereunder.

SEC. 10. Subject to any existing rights, all valuable mineral deposits in public or in private land not closed to mining location, and the land in which they are found, excepting coal, petroleum, and other mineral oils and gas, which are now governed by special laws, shall be free and open to exploration, occupation, location and lease, by citizens of the Philippines of legal age, or by associations, or by corporations organized and constituted under the laws of the Philippines: *Provided*, That at least sixty *per centum* of the capital of such associations or corporations shall at all times be owned and held by citizens of the Philippines.

SEC. 11. Upon the recommendation of the Secretary of Agriculture and Commerce, the President may set apart mineral land reservations, and he shall by proclamation declare the establishment of such reservation, and the boundaries thereof, and thereafter such reservations shall be closed or open to mining location or lease as the President may deem wise and may so provide in the proclamation. The President may, with the concurrence of the National Assembly, by proclamation alter or modify the boundaries of any mineral reserve from time to time or revoke any such proclamation, and upon such revocation, such reserve shall be and become part of the public domain as though no such proclamation had ever been made: *Provided, however*, That the President is hereby authorized to declare by proclamation any mineral reserve, closed to mining location. *Provided, further*, That all mineral reservations set aside by the Chief Executive prior to the approval of this Act shall remain in full force and effect and shall be administered and disposed of in accordance with the provisions of this Act.

SEC. 12. From and after the date of proclamation of a mineral reserve, if the same has not been proclaimed closed to mining location, the lands thereby may be disposed of only for mining purposes as hereinafter provided.

SEC. 13. Whenever lands are reserved for purposes other than for mining, the holders of mining location or leases within any such new reserve, at the time the reservation is made, shall continue to enjoy all rights accorded them under existing law with respect to such locations or leases as if such reservation had never been made.

SEC. 14. Lands within reservation for purposes other than mining, which, after such reservation is made are found to be more valuable for their mineral contents than for the purpose for which the reservation was made, may be withdrawn from such reservations by the President with the concurrence of the National Assembly, and thereupon such lands shall, revert to the public domain and be subject to disposition under the provisions of this Act.

SEC. 15. Lands leased for mining purposes shall be classified as follows:

First group—Metals or metalliferous ores.

Second group—Precious stones.

Third group—Fuels.

Fourth group—Salines and mineral waters.

Fifth group—Building stone in place, clays, fertilizers, and other nonmetals.

SEC. 16. Lands of the first group shall be those which contain any of the metallic elements or minerals, or their combinations, such as gold, silver, platinum, tin, chromium, iron, manganese, copper, nickel, lead, zinc, cinnabar, tungsten, and the like.

SEC. 17. Lands of the second group shall be those which contain minerals mainly used for ornamental purposes such as diamond, ruby, emerald, sapphire, topaz, amethyst, zircon, aquamarine, opal, jade, agate, tourmaline, beryl, garnet, turquoise, and the like.

SEC. 18. Lands of the third group shall be those which contain combustible substances in solid, liquid, gaseous form, such as peat, coal, mineral oils, natural gas, oil shales, asphalt, and the like, but not the recent products of organic life.

SEC. 19. Lands of the fourth group shall be those which contain surface or subterranean soluble substances or waters which by their mineral contents are classified as mineral waters, such as salt, nitrates, sulphurated, carbonated, sodic, calcic, and other waters.

SEC. 20. Lands of the fifth group shall be those which contain nonmetallic substances, such as:

(a) Those used for building or construction purposes, such as marble, granite, clay, and the like;

(b) Asbestos, feldspar, lime, mica, guano, phosphate, potash, saltpeter, niter, and the like;

(c) Other substances used in the manufacture of paints, ceramics and fertilizers and for other industrial purposes.

SEC. 21. Aërolites or other bodies coming from sidereal space are minerals within the meaning of this Act, the disposition of which shall be determined by regulations.

SEC. 22. Mineral lands may be classified under more than one group, depending upon the nature and uses of the minerals contained therein.

SEC. 23. The minerals which are not specifically mentioned in this Act, and new ones which may be discovered in the future, shall be classified under their proper groups, whenever necessary, and shall be included therein by law or regulations.

#### CHAPTER IV.—*Exploration and Prospecting for Mineral Deposits*

SEC. 24. Prospectors 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 coincident with the recording of a declaration location. 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. 25. Officers and employees of the executive or any other branch of the Government whose duties are related to the administration or disposition of mineral resources shall not be allowed to prospect, locate, lease, or hold, directly or indirectly, mineral lands in the Philippines.

SEC. 26. Prospecting may be carried on within public lands and private lands in accordance with the provisions of this Act: *Provided, however,* That in the case of private lands no prospecting shall be allowed except by the owner thereof during the period of one year from and after the effective date of this Act.

SEC. 27. Before entering private lands the prospector shall first apply in writing for written permission of the private owner, claimant, or holder thereof, and in case of refusal by such private owner, claimant, or holder to grant such permission, or in case of disagreement as to the amount of compensation to be paid for such privilege of prospecting therein, the amount of such compensation shall be fixed by agreement among the prospector, the Director of the Bureau of Mines and the surface owner, and in case of their failure to unanimously agree as to the amount of compensation, all questions at issue shall be determined by the Court of First Instance of the province in which said lands are situated in an action instituted for the purpose by the prospector, or his principal: *Provided, however,* That the prospector or his principal, upon depositing with the court the sum considered jointly by him and the Director of the Bureau of Mines or by the court to be just compensation for the damages resulting from such prospecting, shall be permitted to enter upon, and locate the said land without such written permission pending final adjudication of the amount of such compensation; and in such case the prospector, or his principal, shall have a prior right as against the world, from the date of his application. The court in its final judgment, besides determining the corresponding compensation for the damages which may be caused by the prospecting, shall make a pronouncement as to the value of the land and the reasonable rental for the occupation and utilization thereof for mining purposes in case the prospector decides to locate and exploit the minerals found therein.

SEC. 28. No prospecting shall be allowed:

(a) In a mineral reserve which has been proclaimed closed to mining locations.

(b) In lands covered by patented mining claims.

(c) In lands in which minerals have been discovered prior to the effective date of this Act and are claimed by the discoverer or his successors in interest.

(d) In lands which have been located for mining leases by other prospectors under the provisions of this Act.

(e) Near or under buildings, cemeteries, bridges, highways, waterways, railroads, reservoirs, dams, or any other public or private works.

The regulations to be promulgated under this Act shall prescribe in detail the various restriction under this section.

CHAPTER V.—*Discovery of Mineral Deposits and Location of Mining Claims*

SEC. 29. The right to locate a mining claim shall in all cases be based upon the discovery of mineral therein.

SEC. 30. The finding of mineral or minerals in place or position where originally formed in the rock, whether assaying high or low, shall constitute a valid discovery for the location of a lode mineral claim. The finding of mineral or minerals in loose, fragmentary or broken rocks, boulders, floats, beds or deposits whether in greater or lesser quantities, or the finding of the same in forms other than those above described for lode mineral claims, shall constitute a valid discovery for the location of a placer mining claim.

SEC. 31. A lode mineral claim is a parcel of mineral land containing a vein, lode; ledge, lens, or mass of ore in place which has been located in accordance with law. A placer claim is that which does not come under the definition of lode mineral claim.

SEC. 32. In case of conflicting locations, priority of discovery, followed by continuous occupation and prospecting of the land, shall determine the right to lease the claims, subject to any question as to the validity of the location and record of the claim and subject to the holder's having complied with all the requirements of the law: *Provided, however,* That actual discovery of minerals made prior to the effective date of this Act, before or after the enforcement of the Constitution, shall constitute a valid discovery, and the persons making such discovery shall have the preferential right to locate and lease the mining claims covering the minerals discovered, subject to the provisions of this Act.

SEC. 33. Immediately upon the discovery of mineral or as soon as possible thereafter, but not more than thirty days after the date of the said discovery, the discoverer or locator may locate a mining claim in accordance with the provisions of this Act, covering the land where the mineral has been discovered. If no such location is made within such period, the right to locate a mining claim covering such land shall be deemed to have been waived.

SEC. 34. Within sixty 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 which shall not have been recorded within the prescribed period shall be deemed to have been abandoned.

SEC. 35. The maximum area which may be acquired under a mining claim located under the provisions of this Act shall be:

*First group:*

(a) Metals or metalliferous ores in lode deposits, nine hectares for an individual, an unincorporated association, a *sociedad anónima*, a limited partnership or a corporation.

(b) Metals or metalliferous ores in placer deposits; not to exceed eight hectares for an individual nor sixty-four hectares for a corporation, *sociedad anónima*, or limited partnership: *Provided*, That in the case of an unincorporated association the area shall not exceed eight (8) hectares or each member, nor sixty-four (64) hectares for the entire association.

*Second group:*

Precious stones whether in lode or placer deposits, not to exceed four hectares for any qualified locator or applicant.

*Fourth group:*

Salines and mineral waters, not to exceed four hectares for any qualified locator or applicant.

*Fifth group:*

(a) Building stone, clay, fertilizer, and other nonmetals in placer deposits not to exceed eight hectares for an individual nor sixty-four hectares for a corporation, *sociedad anónima*, or limited partnership: *Provided*, That in the case of an unincorporated association the area shall not exceed eight (8) hectares for each member nor sixty-four (64) hectares for the entire association.

(b) Nonmetals in lode deposit—not to exceed nine hectares for an individual, an unincorporated association, a *sociedad anónima*, a limited partnership or a corporation.

SEC. 36. The disposition of the third group of mineral lands, or lands containing mineral fuels, whether public or private, shall be governed by Act Numbered Two thousand seven hundred nineteen, as amended, entitled, "An Act to provide for the leasing and development of coal lands in the Philippine Islands" and

the regulations promulgated thereunder, and by Act Numbered Two thousand nine hundred thirty-two, as amended, entitled, "An Act to provide for the exploration, location and lease of lands containing petroleum and other mineral oils and gas in the Philippine Islands" and the regulations promulgated thereunder: *Provided*, That the granting of permit, license, lease, or concession of such coal, or petroleum land, shall be limited to citizens of the Philippines of legal age, or to associations or to corporations organized and constituted under the laws of the Philippines: *Provided, further*, That the provisions of Acts Numbered Two thousand seven hundred and nineteen, as amended, and Two thousand nine hundred and thirty-two, as amended, to the contrary notwithstanding, at least sixty *per centum* of the capital of such association or corporation shall at all times be owned and held by citizens of the Philippines. All licenses, concessions, or leases for the exploitation, development, or utilization of such coal lands, or lands containing petroleum and other mineral oils and gas, shall be for a period not exceeding twenty-five years, renewable for another period not exceeding twenty-five years.

SEC. 37. In the case of the 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 anónima*, or limited partnership more than three lode mineral claims on the same vein or lode, or more than three placer mining claims, in the case of an individual, or more than three placer mining claims in the case of a corporation, an association, a *sociedad anónima*, or a limited partnership on the same placer ground.

SEC. 38. Mining claims of the first, second, fourth, and fifth groups may be located either as lode or as placer claims, depending upon whether the mineral deposits therein are found in lode or in placer form: *Provided, however*, That if a parcel of land, by reason of the nature of the mineral deposits found therein, is subject to either lode or placer location, the prior location either class, validly made, shall prevail: *Provided, further*, That in case a placer location is made first, the locator thereof must thereafter make a lode location in order to secure the mining rights to lode deposits found within the boundaries of the placer

claim: *Provided, further*, That in such cases the locator, or his successors in interest, shall be entitled to all minerals of the group for which the mining location or locations have been made or the lease granted, which may lie within his claims, but he shall not be entitled to mine outside the boundary lines of his claim continued vertically downward: *And provided, finally*, That the holder or lessee shall have preferential right to locate and lease any mineral deposits of any other group found therein.

SEC. 39. Lode claims, whether located by one or more persons qualified to locate mining claims under this Act shall be located in the following manner and under the following conditions:

Any person so qualified desiring to locate a lode mineral claim shall, subject to the provisions of this Act, enter upon the same and locate a plat of ground, measuring not more than three hundred meters in length by three hundred meters in breadth, in as nearly as possible a rectangular form; that is to say, all angles shall be right angles, except in cases where the boundary line of a previously surveyed claim is adopted as common to both claims, but the lines need not necessarily be meridional. In defining the size of a mineral claim, it shall be measured horizontally irrespective of inequalities of the surface of the ground.

SEC. 40. A lode claim shall be marked by two posts, placed as nearly as possible on the line or direction of the lode or vein, and the posts shall be numbered one and two, and the distance between posts numbered one and two shall not exceed three hundred meters, the line between posts numbered one and two to be known as the location line; and upon posts numbered one and two shall be written the name given to the lode mineral claim, the name of the locator, and the date of the location. Upon post numbered one there shall be written, in addition to the foregoing "Initial post," the approximate compass bearing of post number two, and statement of the number of meters lying to the right and to the left of the line from post number one to post number two, thus: "Initial post. Direction of post number two ..... meters of this claim lie on the right and ..... meters on the left of the line from number one post to number two post."

SEC. 41. When a claim has been located the locator shall immediately mark the line between posts number one and two so that it can be distinctly seen. The locator shall also place a post at the point where he has found minerals in place, or on the surface vertically above such point if the discovery be underground, on which shall be written "Discovery post": *Provided*, That when the claim is surveyed the surveyor shall be guided by the records of the claim, the sketch plan in the declaration of location made by the locator when the claim was located and recorded, posts number one and two, and the notice on number one, the initial post. In cases where, from the nature or shape of the ground, it is impossible to mark the location line of the claim as provided in this Act, then the claim may be marked by placing posts as nearly as possible to the proper position of number one and number two posts, and nothing thereon the distance and direction of such posts from such positions, which distance and direction shall be set out in the declaration of location of the claim.

SEC. 42. In addition to the requirements of sections forty-six and forty-seven of this Act with regard to the placing of posts number one and two on the line of location, and to the marking of the line between them, each locator of a lode mineral claim shall blaze trees along the boundary line thereof by clearing or by marking the same with any other readily distinguishable signs or marks, and shall establish each of the four corners of the claim by marking a standing tree or rock in place, or by setting in the ground, when practicable, a post or stone. Each corner shall be distinctly marked with the name of the claim, the name of the locator, and the date of location, and with such words as to indicate that it is the northeast, southeast, southwest, or other corner, as the case may be, of the lode mineral claim concerned, and the posts or stones used to mark such corners shall be as follows:

When a post is used, it must be at least fifteen centimeters in diameter or twelve centimeters on each side by one hundred forty centimeters in length, and where practicable, set forty centimeters in the ground and surrounded by a mound of earth or stone one hundred twenty-five centimeters in diameter by sixty-five centimeters in height; when a stone, not a rock in place is used, it must not be less than thirty-five centimeters on each side by eighty centimeters in length, and must be set so as to project half its length above the ground; when a stone

or rock in place is used, a cross must be cut in the stone, the arms of which cross must be at least twelve centimeters long, intersecting approximately at right angles and in their centers, the cutting to be at least two centimeters deep. The intersection of the arms shall constitute the corner.

SEC. 43. It shall not be lawful to move number one post of a lode mineral claim but number two post may be moved by the mineral land surveyor when the distance between post numbered one and two exceeds three hundred meters in order to place number two post three hundred meters in order to place number two post three hundred meters from number one post on the line of location. When the distance between posts numbered one and two is less than three hundred meters, the mineral land surveyor shall have no authority to extend the claim beyond post numbered two.

SEC. 44. The location line shall govern the direction of one side of the claim, upon which the survey shall be extended according to the provisions of this Act.

SEC. 45. Placer mining claims may be of an irregular pattern following the meanderings of a creek, river, or stream; *Provided*, That on placer grounds not confined to the beds of such creeks, rivers, or streams, or on those extending beyond the banks thereof, placer claims shall be located in as nearly as possible rectangular form.

SEC. 46. The locator of a placer claim shall post upon the same a notice containing the name of the claim, designating it as a placer claim, the name of each locator, the date of location, the number of the corners of the claim, and the number of hectares claimed. He shall also define the boundaries of the claim by marking a standing tree, or rock in place, or by setting a post, stone, or monument at each corner or angle of the claim. The trees, rocks in place, stakes, stones, or monuments used to mark the corners or angles of a placer mining claim must be inscribed with a series of consecutive numbers, thus Corner No. 1, Corner No. 2, Corner No. 3, and so forth, in clockwise direction, and at least the four end corners of the placer mining claim shall be marked with the name of the claim, the name of the locator, and the date of location. The posts, stones, or mo-

numents used to mark the corners of a placer mining claim must be of the dimensions required by section forty-eight of this Act for the posts, stones, or monuments to be used in marking the corners or angles of a lode mineral claim.

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 and 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, preferably by course and distance, the position of the claim with reference to some prominent natural objects or permanent monuments.

SEC. 48. No lode or placer mining claim shall be recorded unless the declaration of location be accompanied by an affidavit made by the applicant or some person on his behalf cognizant of the facts that the legal notices required by this Act for a lode, or a placer, claim have been posted upon the claim, that in the case of a lode claim mineral has been found in place therein, or in the case of a placer claim the ground thereby embraced is valuable for placer mining purposes, and that the ground applied for is unoccupied for mining purposes by any other person.

SEC. 49. No lode or placer mining claim shall be recorded unless the declaration of location be accompanied by proof that the locator, or each of them, in case there be more than one, is a citizen of the Philippines, of legal age, or is an association, or a corporation organized and constituted under the laws of the Philippines, at least sixty *per centum* of the capital of which

association or corporation owned and held by citizens of the Philippines.

SEC. 50. Proof of citizenship and of age under the clauses of this Act relating to location and lease of mineral lands may consist, in the case of an individual, of his own affidavit; in the case of an association of persons unincorporated, of the affidavit of their authorized agent made on his own knowledge; and in the case of a corporation organized under the laws of the Philippines, by the filing of a certified copy of its charter or certificate of incorporation, accompanied by the affidavit of any duly authorized representative of the corporation cognizant of the facts, certifying that at least sixty *per centum* of its capital is owned and held by citizens of the Philippines.

SEC. 51. The form of declaration of location of a lode mineral claim and of the accompanying affidavit required by this Act shall be substantially as follows:

DECLARATION OF LOCATION  
(*Lode Mineral*)

1. The undersigned hereby declare and give..... notice.....that, having complied with the provisions of Act Numbered..... of the National Assembly, relative to the location of mining claims,..... located .....meters on a lode of mineral bearing rock in place, situated in the sitio of....., barrio of....., municipality of....., Province of....., Island of....., Philippines, and bounded as follows:

On the north .....  
.....  
On the east .....  
.....  
On the south .....  
.....  
On the west .....  
.....  
with an approximate area of ..... hectares.

A sketch plan of the above described claim is drawn in the following blank space which shows, as nearly as may be, the shape and size of the claim, the position of the claim with



line from Post No. 1 to Post No. 2.....:.. Lode claim, locator....., date of location ....., 19....

5. That location Post No. 2 is marked as follows: Location Post No. 2, .....Lode Claim; .....  
.....; .....  
*Locator* *Date of location*

6. That corner No. 1 is situated .....,  
*bearing*  
..... meters from .....  
*distance*

and is marked “ ..... Corner No. 1 .....”  
Mineral Claim and is established by:

(a) A {.....tree .....cm. in diameter}  
{fixed rock .....cm. × .....cm.} marked with  
a cross.

(b) A..... post {.....cm. in diameter}  
{.....cm. × .....cm.}  
set approximately .....cm. in the ground and surrounded by  
a mound of {earth}  
{stone} .....cm. in diameter by .....cm.  
in height.

(c) A stone .....cm. × .....cm. × .....cm.  
in length, projecting .....cm. above the ground.

7. That corner No. 2 is situated ..... meters from corner  
No. 1 and is marked “.....Corner No. 2 .....” Mineral  
Claim and is established by:

(a) A {.....tree .....cm. in diameter}  
{fixed rock .....cm. × .....cm.} marked with  
a cross.

(b) A..... post {.....cm. in diameter}  
{.....cm. × .....cm.}  
set approximately .....cm. in the ground and surrounded by  
a mound of {earth}  
{stone} .....cm. in diameter by .....cm.  
in height.

(c) A stone .....cm. × .....cm. × .....cm.  
in length, projecting .....cm. above the ground.

8. That corner No. 3, is situated .....meters from corner No. 2 and is marked "..... Corner No. 3 ....." Mineral Claim and is established by:

(a) A {.....tree .....cm. in diameter} marked with a cross. {fixed rock .....cm. x .....cm.}

(b) A..... post {.....cm. in diameter} set approximately .....cm. in the ground and surrounded by a mound of {earth} .....cm. in diameter by .....cm. {stone} in height.

(c) A stone .....cm. x .....cm. x .....cm. in length, projecting .....cm. above the ground.

9. That Corner No. 4 is situated .....meters from corner No. 3 and is marked ".....Corner No. 4 ....." Mineral Claim and is established by:

(a) A {.....tree .....cm. in diameter} marked with a cross. {fixed rock .....cm. x .....cm.}

(b) A..... post {.....cm. in diameter} set approximately .....cm. in the ground and surrounded by a mound of {earth} ..... in diameter by ..... cm. {stone} in height.

(c) A stone .....cm. x .....cm. x .....cm. in length, projecting .....cm. above the ground.

Witness:

..... Locator

..... P. O. Address Agent

Witness:

..... P. O. Address

..... P. O. Address





19...., to ....., 19...., inclusive, a total period of ..... days. As located, the claim has ..... corners. The locator ..... desire ..... this mineral land for the purpose of extracting minerals therefrom.

3. That on the ..... day of ....., 19...., a notice of placer location was posted upon the claim of which the following is a true copy:

“NOTICE OF LOCATION

“The undersigned ..... located at this place, ..... hectares of placer mining ground. The name of the said claim is the ..... Placer Mining Claim. Date of Location ....., 19....

Locator

By ..... Agent

4. That corner No. 1 is situated ..... meters from ..... and is marked “..... Corner No. 1 ..... Placer Mining Claim,” and is established by:

(a) A {.....tree .....cm. in diameter} marked with a cross. {fixed rock .....cm. × .....cm.}

(b) A..... post {..... cm. in diameter} set approximately ..... cm. in the ground and surrounded by a mound of {earth} ..... cm. in diameter by {stone} ..... cm. in height.

(c) A stone ..... cm. × ..... cm. × ..... cm. in length, projecting ..... cm. above the ground.

5. That corner No. 2 is situated ..... meters from corner No. 1, is marked “..... Corner

No. 2 ..... Placer Mining Claim," and is established by:

(a) A { .....tree .....cm. in diameter} marked with a cross.  
 {fixed rock .....cm. × .....cm.}

(b) A ..... post { .....cm. in diameter} set approximately ..... cm. in the ground and surrounded by a mound of {earth} ..... cm. in diameter by {stone} ..... cm. in height.

(c) A stone ..... cm. × .. ..... cm. × ..... cm. in length, projecting ..... cm. above the ground.

6. That corner No. 3 is situated ..... meters from corner No. 2, is marked "Corner No. 3 ..... Placer Mining Claim," and is established by:

(a) A { .....tree .....cm. in diameter} marked with a cross.  
 {fixed rock .....cm. × .....cm.}

(b) A ..... post { .....cm. in diameter} set approximately ..... cm. in the ground and surrounded by a mound of {earth} ..... cm. in diameter by {stone} ..... cm. in height.

(c) A stone ..... cm. × ..... cm. × ..... cm. in length, projecting ..... cm. above the ground.

7. That corner No. 4 is situated ..... meters from corner No. 3, is marked "Corner No. 4 ..... Placer Mining Claim", and is established by;

(a) A { .....tree .....cm. in diameter} marked with a cross.  
 {fixed rock .....cm. × .....cm.}

(b) A ..... post { .....cm. in diameter} set approximately ..... cm. in the ground and surrounded by a mound of {earth} ..... cm. in diameter by {stone} ..... cm. in height.

(c) A stone ..... cm. × ..... cm. × ..... cm. in length, projecting ..... cm. above the ground.

.....  
P. O. Address ..... P. O. Address .....  
.....  
P. O. Address ..... P. O. Address .....  
.....  
P. O. Address ..... P. O. Address .....  
.....  
P. O. Address ..... P. O. Address .....

.....  
*Locator*

By .....  
*Agent*

Witness:

.....  
.....

**AFFIDAVIT**

UNITED STATES OF AMERICA

COMMONWEALTH OF THE PHILIPPINES

Province of ..... }  
Municipality ..... } *ss.*  
..... being first duly sworn, deposes  
and says:

That .....  
citizen ..... of the ..... and .....  
of legal age;

That the affiant ..... the {locator}  
{agent } of the said .....  
who ..... the locator ..... and is cognizant  
of the facts of the above-mentioned Placer Claim:

That all the notices and posts mentioned in the foregoing  
Declaration of Location of the .....  
Placer Mining Claim have been put up;

That the ground described in the Declaration of Location is  
valuable for placer mining purposes; and

That the land within the boundaries of said claim is unoccu-  
pied by any other person for mining purposes;

.....  
*Locator*

.....  
*Agent*

Subscribed and sworn to before me this ..... day of ..... 19....., affiant exhibiting his cedula No. ...., issued at ....., on the ..... day of ....., 19....

SEC. 53. The mining recorder shall note on each instrument filed for record the year, month, and day, and the hour and minute of the day on which the same was so filed, and after it has been recorded he shall endorse thereon or on the back thereof a certificate in the following form:

OFFICE OF THE MINING RECORDER

..... {Province of} ..... {District of} .....

The within instrument was filed for record in this office at ..... o'clock ..... minutes ..... m. on the ..... day of ..... A.D. .... and has been recorded in Book No. .... of the records of Mining Claims on page No. .... Paid under official receipt No..... dated ..... in the amount of ₱ .....

..... Mining Recorder or District Mining Officer

SEC. 54. The register of deeds of the province concerned shall act as mining recorder for that province: Provided, however, That if circumstances so require, the President may appoint district mining officers, or mining recorders or by administrative order impose the performance of the duties of the local district mining officer or mining recorder upon any official or employee in the public service. All such district mining officers or mining recorders shall be under the direction, supervision, and control of the Director of the Bureau of Mines in so far as their duties as district mining officers or mining recorders are concerned.

SEC. 55. The Secretary of Agriculture and Commerce may establish mining districts, the boundaries of which shall, so far

as is practicable, coincide with the boundaries of the corresponding provinces, but when local conditions so require two or more provinces or parts thereof may be included in the same mining district.

SEC. 56. All declarations of location, affidavits, powers of attorney, and all other documents or instruments in writing, regarding or affecting the possession of mining claims or any right or title thereto, or interest therein, shall be recorded by the mining recorder in the order in which they are filed for record, and from and after such recording, all such documents or instruments in writing shall constitute notice to all persons and to the whole world of the contents of the same.

SEC. 57. If at any time the locator of any mining claim located under the provisions of his Act, of his successors or assigns, shall apprehend that his original location notice or declaration of location was defective, or erroneous, or that the requirements of the law had not been complied with before recording, or shall be desirous of changing his boundaries so as to include ground not embraced by the location as originally made and recorded, and the locator, or his assigns, shall desire to conform the location and declaration of location thereto, such locator, his successors or assigns, may file an amended declaration of location in accordance with the provisions of this Act, with the mining recorder of the province or district in which such claim is situated: *Provided*, That such amended declaration of location does not interfere at the date of its filing for record with the existing rights of any other person or persons and that no lease on the mining claim affected has as yet been granted to him by the Government prior to the filing of the amended declaration of location. Such amended declaration of location, with the accompanying affidavit, shall be substantially in the following form:

AMENDED DECLARATION OF LOCATION  
(LODE MINERAL)

1. The undersigned hereby declare ..... and give ... notice that, having complied with the provisions of Act Numbered ... of the National Assembly relative to the location of mining claims ..... amended the Declaration of location of the above-named mineral claim, and ..... located ..... meters on a lode in which mineral bearing rock has been found in place; situated in the sitio of ....., barrio of .....



As amended, the claim has ..... corners.  
 The locator ..... holder ..... desire .....  
 this mineral land for the purpose of extracting minerals found  
 therein.

3. That at the point where minerals were found in place,  
 there has been set a ..... post  
 { ..... cm. in diameter }  
 { ..... cm. × ..... cm. } by ..... cm. in length, and  
 marked "Discovery Post."

4. That location Post No. 1 is marked as follows: "Initial  
 Post." Direction and distance to Post No. 2, .....  
 meters. .... meters of this claim lie on the right  
 and ..... meters on the left of the location  
 line from Post No. 1 to Post No. 2; ..... Lode  
 Claim; locator ..... or holder ..... date of original  
 location ..... 19....., date of amended  
 location ..... 19.....

5. That location Post No. 2 is marked as follows: .....  
 "..... Lode Claim; locator or holder .....  
 date of original location, ..... 19....., date of  
 amended location ..... 19....."

6. That corner No. 1 is situated ..... meters  
 from ..... and is marked ".....  
 Corner No. 1. .... Mineral Claim" and  
 is established by:

(a) A { ..... tree ..... cm. in diameter }  
 { fixed rock ..... cm. × ..... cm. } marked  
 with a cross.

(b) A ..... post { ..... cm. in diameter }  
 { ..... cm. × ..... cm. } set ap-  
 proximately ..... cm. in the ground and surrounded by  
 a mound of { earth }  
 { stone } ..... cm. in diameter by ..... cm.  
 in height.

(c) A stone ..... cm. × ..... cm. × ..... cm.  
 in length, projecting .. ..... cm. above the ground.

7. That corner No. 2 is situated ..... meters  
 from corner No. 1 and is marked "..... Corner  
 No. 2 ..... Mineral Claim" and is estab-  
 lished by:

(a) A { ..... tree ..... cm. in diameter }  
 { fixed rock ..... cm. × ..... cm. } marked  
 with a cross.

(b) A..... post {..... cm. in diameter} set ap-  
 proximately ..... cm. in the ground and surrounded  
 by a mound or {earth} ..... cm. in diameter by .....  
 {stone} ..... cm. in height.

(c) A stone .....cm. × .....cm. × .....cm.  
 in length, projecting .....cm. above the ground.

8. That corner No. 3 is situated ..... meters  
 from corner No. 2 and is marked “.....  
 Corner No. 3 ..... Mineral Claim” and is  
 established by:

(a) A {..... tree ..... cm. in diameter} marked  
 {fixed rock ..... cm. × .....cm.} with a cross.

(b) A..... post {..... cm. in diameter} set ap-  
 proximately ..... cm. in the ground and surrounded by  
 a mound of {earth} ..... cm. in diameter by .....  
 {stone} ..... cm. in height.

(c) A stone .....cm. × .....cm. × .....cm.  
 in length, projecting .....cm. above the ground.

9. That corner No. 4 is situated ..... meters  
 from corner No. 3 and is marked “..... corner  
 No. 4. .... Mineral Claim” and is established by:

(a) A {..... tree ..... cm. in diameter} marked  
 {fixed rock ..... cm. × .....cm.} with a cross.

(b) A..... post {..... cm. in diameter} set ap-  
 proximately ..... cm. in the ground and surrounded by  
 a mound of {earth} ..... in diameter by ..... cm.  
 {stone} ..... in height.

(c) A stone .....cm. × .....cm. × .....cm.  
 in length, projecting .....cm. above the ground.

10. That the amendment is made for the following reasons:

.....  
 .....  
 .....



That this Declaration of Location, as amended, does not interfere, at the date of its filing for record, with the existing rights of any person or persons;

.....  
*Lessee, Holder, Locator*

.....  
*Agent*

Subscribed and sworn to before me this ..... day of ....  
19...., affiant exhibiting his cedula No. .... issued at  
..... on the ..... day of  
..... 19.....

AMENDED DECLARATION OF LOCATION  
(PLACER)

1. The undersigned hereby declare ..... and give .....  
notice that, having complied with the provisions of Act Num-  
bered ..... of the National Assembly relative to  
location of mining claim, ..... amended the  
Declaration of Location of the above-mentioned mining claim, and  
..... located certain placer mining ground, situated  
in the sitio of ....., barrio of .....,  
municipality of ....., Province of .....  
..... Island of ..... Philippines,  
and bounded as follows:

- On the north .....
  - .....
  - On the east .....
  - .....
  - On the south .....
  - .....
  - On the west .....
  - .....
- with an approximate area of ..... hectares.

A sketch plan of the claim as amended herein drawn in the following blank space which shows, as nearly as may be, the shape and size of the claim the position of the claim with reference to permanent natural objects or permanent monuments, the position of the adjoining mining claims, and the north-south direction line:



4. That corner No. 1 is situated.....meters from ..... and is marked "Corner No. 1 ..... Placer Mining Claim," and is established by:

(a) A { ..... tree ..... cm. in diameter } marked with a cross. { fixed rock ..... cm. × .....cm. }

(b) A..... post { ..... cm. in diameter } set approximately ..... cm. in the ground and surrounded by a mound of {earth} ..... cm. in diameter by ..... {stone} cm. in height.

(c) A stone .....cm. × .....cm. × .....cm. in length, projecting .....cm. above the ground.

5. That corner No. 2 is situated ..... meters from corner No. 1, is marked "..... Corner No. 2 ..... Placer Mining Claim," and is established by:

(a) A { ..... tree ..... cm. in diameter } marked with a cross. { fixed rock ..... cm. × .....cm. }

(b) A... . post { .....cm. in diameter } set approximately ..... cm. in the ground and surrounded by a mound of {earth} ..... cm. in diameter by ..... {stone} cm. in height.

(c) A stone .....cm. × .....cm. × .....cm. in length, projecting .....cm. above the ground.

6. That corner No. 3 is situated ..... meters from corner No. 2, is marked "..... Corner No. 3 ..... Placer Mining Claim," and is established by:

(a) A { ..... tree ..... cm. in diameter } marked with a cross. { fixed rock ..... cm. × .....cm. }

(b) A..... post { ..... cm. in diameter } set approximately ..... cm. in the ground and surrounded by a mound of {earth} ..... cm. in diameter by ..... {stone} cm. in height.

(c) A stone .....cm. × .....cm. × .....cm. in length, projecting .....cm. above the ground.

7. That corner No. 4 is situated ..... meters from Corner No. 3 is marked "..... Corner No. 4 ..... Placer Mining Claim," and is established by:

(a) A {..... tree ..... cm. in diameter} marked with a cross. {fixed rock .... cm. x .....cm.}

(b) A..... post {..... cm. in diameter} set approximately ..... cm. in the ground and surrounded by a mound of {earth} ..... cm. in diameter by ..... {stone} cm. in height.

(c) A stone .....cm. x .....cm. x .....cm. in length, projecting .....cm. above the ground.

8. That the amendment is made for the following reasons:

.....  
.....  
.....

P. O. Address ..... P. O. Address .....  
.....  
P. O. Address ..... P. O. Address .....  
.....  
P. O. Address ..... P. O. Address .....  
.....  
P. O. Address ..... P. O. Address .....  
.....

(Locator) (Holder)

Witness:

.....  
.....

By .....  
(Agent)

AFFIDAVIT

UNITED STATES OF AMERICA  
COMMONWEALTH OF THE PHILIPPINES

Province of ..... }  
Municipality of ..... } ss.

..... being first duly sworn,  
deposes and says:

That . . . . . citizen . . . . . of the . . . . ., and . . . . . of legal age :

That the affiant . . . . . the { locator . . . . . } { holder . . . . . } { agent . . . . . } of the said . . . . . who . . . . . the locator . . . . . holder . . . . . and . . . . . cognizant of the facts of the above-mentioned Placer Claim ;

That all of the posts and notices mentioned in the foregoing Amended Declaration of Location of the . . . . . Placer Mining Claim have been put up ;

That the ground described on the Amended Declaration of Location, as amended, does not interfere, at the date of its filing for record, with the existing rights of any person or persons.

. . . . . *Locator* . . . . . *Holder* . . . . . *Agent*

Subscribed and sworn to before me this . . . . . day of . . . . . 19 . . . . , affiant exhibiting his cedula No. . . . . issued at . . . . . on the . . . . . day of . . . . . 19 . . . .

SEC. 58. There shall be paid to the provincial treasurer or to the mining recorder duly authorized to receive payment, a fee of three Philippine pesos for each original or amended declaration of location of mining claim, for each affidavit accompanying such declaration, and for each power of attorney, document, or instrument in writing, regarding or affecting the possession of mining claims or any right or title thereto, or interest therein, filed for record, and, on the presentation of the receipt of the provincial treasurer or mining recorder duly authorized to receive payment, the said declaration, affidavit, power of attorney, document or instrument in writing shall be recorded by the mining recorder: *Provided*, That the affidavit of the locator of the mining claim or of his, its, or their agent, required by this Act, have been filed and the fees herein required have been paid. The fees shall be accounted for as other collections of the officers receiving them, and deposited to the credit of the proper province or municipality, as the case may be, in accordance with the next following section of this Act.

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.

SEC. 60. No valid mining claim or any part thereof, may be located by others until the original locator or his successors in interest abandons the claim or forfeits his rights on the same under the provisions of this Act.

SEC. 61. Conflicts and disputes arising out of mining locations may be submitted to the Director of Bureau of Mines for decision: *Provided*, That such decision may be appealed to the Secretary of Agriculture and Commerce within ninety days from the date of its entry. In case any one of the interested parties should disagree from the decision of the Director of the Bureau of Mines or of the Secretary of Agriculture and Commerce, the matter may be taken to the court of competent jurisdiction within ninety days after notice of such decision, after which time without the institution of such action the said decision shall be final and binding upon the parties concerned.

SEC. 62. Any qualified person making a valid location of a mining claim, his successor, 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; but he shall not be entitled to mine or extract minerals from the claim for commercial purposes until a lease is granted thereon as provided for in this Act: *Provided, however*, That if an application for lease of said mining claim is made, such application shall *ipso facto* serve to extend the period of such right until final action is taken thereon.

SEC. 63. At any time prior to the granting of the lease on his mining claim a holder thereof may abandon the same by giving notice in writing to the mining recorder of his intention to abandon the same, and from the date of record of such notice all his interests in such claim shall cease.

#### CHAPTER VI.—*Survey and Lease of Mineral Lands*

SEC. 64. The Director of the Bureau 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 fix the bonds of duly qualified deputy mineral land surveyors and to issue the necessary regulations governing the execution and verification of surveys of mineral lands in the Philippines. All

applications for official surveys of mining claims shall be filed with the Director of the Bureau of Mines and the expenses of such surveys shall be paid by the applicants. They shall be at liberty to employ any such deputy mineral surveyor to make the survey at the most reasonable rate.

SEC. 65. At the time of the official survey the corners of mining claims shall be marked with concrete monuments, iron pipes, or with such other objects of a permanent nature as may be prescribed by regulations.

SEC. 66. In all surveys the astronomical meridian shall be made within the limits of accuracy prescribed by regulations. After the technical adjustments have been made the resulting bearings and distances between consecutive corners as computed from the adjusted data, shall be adopted and recognized.

SEC. 67. Any person authorized to locate a mining claim under this Act, having claimed and located a piece of land for mining purposes who has complied with the terms of this Act, may file with the Director of the Bureau of Mines an application under oath for a mining lease thereon, showing such compliance. A plan and a technical description of the mining claim or claims covered by the application shall be filed therewith or as soon thereafter as the same may be obtained from the Bureau of Mines under the provisions of this Act. In the case of an application to lease a mining claim located on private lands, the same shall be accompanied by a written authority of the owner of the land: *Provided, however,* That in case of refusal of the owner of the land to grant such written authority, the same shall be granted by the court as soon as the applicant deposits the amount fixed as the value of the land and as compensation for any resulting damage or files a bond to be approved by the court sufficient to insure the payment of the rental of the land as determined in accordance with section twenty-seven of this Act. Should there have been no proceeding instituted by the applicant, as provided for under section twenty-seven of this Act, the Court shall determine the value of the land and the compensation for any resulting damage of its reasonable rental for the purposes above mentioned and grant the written authority required herein.

SEC. 68. Application for a lease on a mining claim shall be filed within two years from the date of the recording of the claim in the office of the mining recorder or within two years from the date of the approval of this Act. Failure to file such

application within the period above mentioned shall be deemed an abandonment of the mining claim, and the land embraced within such claim shall thereupon be open to relocation in the same manner as if no location of the same had ever been made: *Provided*, That the original locator, his heirs, or his assigns, who has or have thus failed to file a lease application on the claim shall not be entitled to relocate, directly or indirectly, the land embraced within such claim, or any part thereof.

SEC. 69. A single application may be filed, and a single lease may be granted covering one or more mining claims: *Provided*, That all such claims to be included under one lease are adjoining or contiguous to each other, and are held by the same holder: *Provided, further*, That the total area or number of the said claims to be covered by a single lease shall not exceed the maximum area, or the maximum number of claims authorized to be held or leased in any province or district, or on the same vein, or on the same placer ground by any one person, association, or corporation.

SEC. 70. All applications for mining lease shall be addressed to the Director of Mines, sworn to and shall state, among others:

(a) The name and post-office address of the applicant, stating whether he is an individual, his first name and surname both paternal and maternal, his birthplace, age and citizenship, and capital intended for the exploitation of the land, and if it is a corporation or association, stating its complete title and accompanying (1) a certified copy of the deed of partnership, its by-laws and rules; (2) a certified list of the stockholders and partners, with the details above specified in so far as the individual applicants are concerned, the number of shares he possesses and the amount he paid for them; (3) a certified list of its board of directors and executive officers, with the address of their offices and residences; and (4) in case there are foreign stockholders or partners, the total amount of the shares of each one of them in the capital stock.

(b) That the application is made for the exclusive benefit of the applicant and not, directly or indirectly, for that of any other person whether natural or juridical who is disqualified to acquire a mining lease under the law.

SEC. 71. The statements made in the application or made later in support thereof, shall be considered as conditions and essential parts of the lease that may be granted by virtue of such application, and any falsehood in those statements or om-

mission of facts which may alter, change or affect substantially the facts set forth in said statements shall cause the cancellation of the lease granted.

SEC. 72. Upon receipt of the application, and provided that the requirements of this Act have been substantially complied with, the Director of the Bureau of Mines shall publish a notice that such application has been made, once a week for a period of three consecutive weeks, in the Official Gazette and in two newspapers, one published in Manila either in English or Spanish, and the other published in the municipality or province in which the mining claim is located, if there is such newspapers, otherwise, in the newspaper published in the nearest municipality or province. The first publication of such notice shall be made within thirty days after the filing of the application for lease, if such application is accompanied by an official plan and technical description of the claim or claims covered by the application and within thirty days after the filing of the official plan and technical description of the claim or claims covered by the application, if such application as filed in advance of the filing of such plan and technical description. The Director of the Bureau of Mines shall also cause to be posted on the bulletin board of the Bureau of Mines the same notice for the same period. The applicant shall post for the same period a copy of the plat of the claim or claims applied for, together with a notice of such application for lease, in a conspicuous place on the land embraced in such plat, on the bulletin board, if any, of the municipal building of the municipality, and also in the office of the mining recorder or district mining officer of the province or district in which the claim or claims are located; and shall file with the Director of the Bureau of Mines the affidavit of at least two persons stating that such notice has been duly posted in the places above specified. At the expiration of the period of publication the applicant shall file with the Director of the Bureau of Mines an affidavit showing that the plat and notice have been posted in a conspicuous place on the claim or claims concerned and in the places above specified during such period of publication, and thereupon, if no adverse claim shall have been presented to the Director of the Bureau of Mines, it shall be conclusively presumed that no such adverse claim exists and thereafter no objection from third parties to the granting of the lease shall be heard; and the lease shall within forty-five days be granted to the applicant, or to his successor or assigns, by the Secretary of Agriculture and Commerce, provided that all

amounts then due to the Government of the Philippines, or any of its branches or sub-divisions, under the provisions of this Act, shall have been paid.

SEC. 73. At any time during the period of publication, any adverse claim may be filed under oath with the Director of the Bureau of Mines, and shall state in full detail the nature, boundaries, and extent of the adverse claim, and shall be accompanied by all plans, documents, and agreements upon which such adverse claim is based. Upon the filing of any adverse claim all proceedings except the publication of notice of application for lease and the making and filing of the affidavits in connection therewith, as herein prescribed, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within forty-five days after filing his claim, to commence proceedings in a court of competent jurisdiction to determine the controversy and to prosecute the same with reasonable diligence to final judgment, and a failure to do so shall be considered as a waiver of his adverse claim. After such judgment shall have been rendered, the party whose right to a lease on the mining claim in controversy, or any portion thereof, shall have been established thereby, may, without giving further notice, file a certified copy of the judgment with the Director of the Bureau of Mines, and the description required in such cases, together with the proper fees, whereupon a lease may forthwith be granted thereon on such mining claim or on such portion thereof as the applicant may be entitled to under the decision of the court. If the decision of the court is that several parties are entitled to leases upon separate and different portions of the mining claim, the subject matter of the application, and such parties have theretofore applied therefor, leases may forthwith be issued to the said several parties according to their respective rights as determined by the decision. If in any action brought pursuant to this section a right to a lease upon any of the claim in controversy shall not be established by any of the parties, the courts shall so find and judgment shall be entered accordingly. In such case the clerk of the court rendering judgment shall file a certified copy of the judgment with the Director of the Bureau of Mines, whereupon the proceedings under the lease application shall be dismissed and the application denied.

SEC. 74. Leases under the provision of this Act shall be for a period not exceeding twenty-five years from the date of

the execution of the lease contract, and shall be renewable under such terms and conditions as may be provided by law for another period not exceeding twenty-five years. The total period of any lease and the extension thereof shall not exceed fifty years. Such leases shall provide that the lessee may at any time during the life of the lease apply for the cancellation of the same, and surrender the property leased whenever, because of force majeure, or for other causes, it is impossible to continue profitable mining operations thereon. No such lease or renewal thereof shall be assigned or sublet without the prior consent of the Secretary of Agriculture and Commerce which shall be granted if the assignment or sublease is to such persons, associations, or corporations as have the qualifications required of locators, holders, or lessees under the provisions of this Act.

SEC. 75. Leases may be granted covering mining claims located on private lands: *Provided*, That any exploration, occupation, use, or lease of any private land pursuant to this Act shall be subject to the payment of compensation to the owner thereof as provided in this Act.

SEC. 76. Subject to the provisions of Article XII of the Constitution, the maximum area that may be leased to a person, association, or corporation under the provisions of this Act in any one province shall be as follows:

(a) For lands of the first group containing metals or metalliferous ores: not more than four hundred fifty hectares containing minerals in vein or lode deposits for any individual, association, partnership, *sociedad anónima* or corporation, nor more than four hundred hectares containing minerals in placer deposits for any individual, nor more than three thousand two hundred hectares containing minerals in placer deposits for any corporation, association, *sociedad anónima* or limited partnership: *Provided, however*, That in no case shall the total number of lode mineral claims that a lessee may lease, exceed two hundred fifty in the entire Philippines.

(b) For lands of the second group containing precious stones: not more than forty hectares for an individual, nor more than three hundred twenty hectares for a corporation, or an association, *sociedad anónima* or limited partnership.

(c) For lands of the fourth group containing salines and mineral waters: not more than twenty-four hectares for an individual, nor more than one hundred ninety-two hectares for a corporation, and association, *sociedad anónima*, or limited partnership.

(d) For lands of the fifth group containing building stones in place, clays, fertilizers, and other nonmetals: not more than four hundred fifty hectares containing minerals in vein or lode deposits for any individual, association, *sociedad anónima*, limited partnership or corporation: *Provided, however*, That in no case shall the total number of such lode mineral claims exceed two hundred fifty in the entire Philippines; nor more than four hundred hectares containing minerals in placer deposits for any individual; nor more than three thousand two hundred hectares containing minerals in placer deposits for any association, *sociedad anónima*, limited partnership or corporations.

SEC. 77. Every lease granted under this Act shall contain a clause by which the lessee shall bind himself to comply with the provisions of this Act and with such rules and regulations for the policing and sanitation of mines, easements, drainage, disposal of waste or tailings, water rights, right-of-way, right of Government survey and inspection, and other necessary means to their economic utilization, as well as such rules for the purpose of insuring the exercise of reasonable diligence, skill, and care in the mining operation on the land covered by the lease, as may be promulgated by the Director of the Bureau of Mines and approved by the Secretary of Agriculture and Commerce, under and pursuant to the provisions of this Act.

SEC. 78. Every lease granted under this Act shall be construed as granting to the lessee, his successors or assigns, the right to extract all mineral deposits of the group for which the lease or leases had been granted within the boundary lines of the claim or claims covered by the lease, continued vertically downward; to remove and utilize the same for his own benefit, and to use the lands covered by the lease for the purpose or purposes specified therein: *Provided*, That in the case of leases covering placer locations the lessee shall not be entitled to extract minerals from any lode or vein deposit found within the boundary of his, its, or their placer claims but the lessee shall have the preferential right to locate and lease such lode deposits. The same privilege shall be granted to lessee for minerals or mineral products belonging to different group or groups found therein upon the condition that the lessee shall first comply with the requirements of the law. Any such location, occupation, use, or lease permitted under this Act shall reserve to the Government the right to grant or use such easements in, over, under, through, or upon land so entered, located, occupied, leased, or used, as may be necessary to the working of the same, or of

other mineral lands: *Provided*, That the Secretary of Agriculture and Commerce, in granting any lease under this Act may reserve to the Government the right to lease, sell, or otherwise dispose of the surface of the lands embraced within such lease, under existing law or laws, in so far as said surface is not necessary for use by the lessee in extracting and removing the mineral deposits from the land covered by such lease, or in beneficiation of the ores extracted therefrom, or from any other mining claim. The Secretary of Agriculture and Commerce, during the life of the lease, is authorized to issue such permits for easements herein provided to be reserved, and to permit the use of the lands covered by the lease, or of such other public lands, as may be necessary for the construction and maintenance of mills, mining camps, or other works incident to the mining and milling operations on the lands covered by any lease granted this Act, or on any other mineral lands.

SEC. 79. For the privilege of exploring, developing, mining, extracting, and disposing of the minerals from the lands covered by his lease, the lessee shall pay to the Government of the Philippines, through the Collector of Internal Revenue, the rentals, royalties, and taxes provided by law. The rentals shall be due and payable in advance on the date of the granting of the lease, and on the same date every year thereafter during the life of the lease or any renewal thereof; the royalties shall be due and payable within sixty days after the shipment of the mineral or mineral products from the mines; and the tax at the time and in the manner all other real estate taxes are payable under the law. Before the mineral or mineral products are removed from the mines, the Collector of Internal Revenue or his representative shall first be duly notified thereof. The rentals, royalties, and taxes, shall be as follows:

(a) *Rentals*.—On all mineral lands of the first, second, fourth, and fifth groups provided for under this Act—one peso per hectare or fraction thereof. Fifty *per centum* of all the rentals collected shall accrue to the province, and fifty *per centum*, to the municipality in which the mining claim or claims is or are located: *Provided*, That in case of chartered cities the full amount shall accrue to the city concerned.

(b) *Royalties*.—On all minerals extracted from or mineral products of, mineral lands of the first, second, fourth and fifth groups as provided for in this Act—a royalty of one and one-half *per centum* of the actual market value of the gross output thereof, *Provided*, That in the case of gold mines, their

annual gross output shall be subject to a royalty of one and one-half *per centum* when the value of the said output does not exceed five hundred thousand pesos; two *per centum* when the value exceeds five hundred thousand pesos but does not exceed one million pesos; two and one-half *per centum* when the value exceeds one million pesos but does not exceed one million five hundred thousand pesos; three *per centum* when the value exceeds one million five hundred thousand pesos but does not exceed two million pesos; three and three-eighths *per centum* when the value exceeds two million pesos but does not exceed two million five hundred thousand pesos; three and three-fourths *per centum* when the value exceeds two million five hundred thousand pesos but does not exceed three million pesos; four and one-eighth *per centum* when the value exceeds three million pesos but does not exceed three million five hundred thousand pesos; four and one-half *per centum* when the value exceeds three million five hundred thousand pesos but does not exceed four million pesos; four and three-fourths *per centum* when the value exceeds four million pesos but does not exceed four million five hundred thousand pesos; five *per centum* when the value exceeds four million five hundred thousand pesos but does not exceed five million pesos; five and one-eighth *per centum* when the value exceeds five million pesos but does not exceed five million five hundred thousand pesos; five and one-fourth *per centum* when the value exceeds five million five hundred thousand pesos but does not exceed six million pesos; five and three-eighths *per centum* when the value exceeds six million pesos but does not exceed six million five hundred thousand pesos; and five and one-half *per centum* when the value exceeds six million five hundred thousand pesos: *Provided, further,* That the following rates of deduction from the royalties on the annual gross output of gold payable under the provisions of this section shall be allowed:

(1) Fifteen *per centum* in the case of lode mines producing gold from ores which average less than ten pesos, but more than seven pesos *per ton*;

(2) Twenty-five *per centum* in the case of lode mines producing gold from ores which average less than seven pesos *per ton*. The average value *per ton* of ore shall be determined by dividing the total gross output in pesos for any year by the total number of tons milled during that year for any particular lode mine.

(3) Thirty-five *per centum* in the case of gold placer mines. The term "gross output" of mines of mineral lands shall be interpreted as the actual market value of mineral or mineral products, or of bullion from each mine or mineral lands operated as a separate entity without any deduction for mining, milling, refining, transporting, handling, marketing, or any other expenses. The output of any group of contiguous mining claims shall not be subdivided. All the royalties herein provided to be charged shall accrue to the general fund of the National Treasury, and shall be in lieu of the *ad valorem* tax on the market value of the output of mines provided to be levied and collected, under section fifteen hundred thirty-four of the Revised Administrative Code, as amended by Act Numbered Four thousand fifty-eight. In case mining is carried on upon private lands, the royalty due on the value of the output of such mines under any all leases granted for the purpose shall be reduced by five *per centum* of the amount due to the Government under the provisions of this Act, which reduction shall be paid by the lessee to the said land owner. This privilege shall not be granted to any person acquiring an option on the surface right after any mining location has been made on the mineral found therein.

(c) *Taxes*.—All buildings and other improvements built in the land leased, except machines, mechanical, electrical and chemical contrivances, instruments, tools, implements, appliances and apparatus, used in connection with the mining and milling operations on the land leased, shall be subject to an annual real estate tax which shall be paid at the rate and in the manner all other real estate taxes are paid under the law. Fifty *per centum* of the real estate tax collected as herein provided shall accrue to the province, and fifty *per centum* of the same shall accrue to the municipality in which the mineral land leased is located: *Provided*, That in the case of chartered cities the full amount shall accrue to the city concerned.

In contracts of lease granted under this Act, it shall be provided that the rentals, royalties, and taxes, shall be payable in accordance with the provisions of existing law.

SEC. 80. Failure to pay the annual rentals or royalties required by this Act for a period of ninety days after demand shall cause the lease concerned to lapse and the claim or claims, with respect to which such failure to pay was made, shall thereupon be open to relocation and lease by other persons qualified

to locate and lease mining claims under the provisions of this Act in the same manner as if no location of the same had ever been made, unless the lessee, his heirs, executors, administrators, assigns or legal representatives shall have paid all such annual rentals and royalties due and have resumed work on the claim or claims after such failure and before such relocation: *Provided*, That no person who may be delinquent in the payment of any rental or royalty hereinabove required to be paid on any mining claim or claims held under lease may relocate the same or any portion thereof: *Provided, further*, That nothing herein contained shall preclude the Government from collecting any rental, royalties, or taxes due.

SEC. 81. Any person, association, or corporation holding a lease under the provisions of this Act shall perform during each year, while the lease is in force, not less than two hundred pesos worth of labor, or of improvements, on each mining claim of the first and fifth group, and one hundred pesos worth of labor, or of improvements on each claim of the second and fourth group: *Provided*, That in the case of a lease covering a group of two or more mining claims leased or held in common, the total amount of labor or improvements required for the said group may be concentrated on any one of the said group, either on the surface or under the ground. The period within which the work required to be done annually on all mining claims shall commence on the first day of January succeeding the date of the granting of the lease on the said claim or claims, and shall be completed on or before the thirty-first day of December of the same year: *Provided, further*, That failure to perform the annual labor or improvements required herein shall constitute abandonment on the part of the holder and the land shall be subject to relocation by other persons.

SEC. 82. Actual expenditures and cost of mining improvements by the holder of a lease or his grants, having a direct relation to the development of the claim or group of claims, shall be included in the estimate of assessment work. The expenditures may be made from the surface, or in running a tunnel, drifts, cross-cuts, or trenches for the development of the claim or group of claims. Improvements of any other character, such as building, machinery, or roadways, must be excluded from the estimate, unless it is clearly shown that they are associated with actual excavations, such as cuts, tunnels, shafts, and so forth, and are essential to the practical development of, and

actually facilitate, the extraction of minerals from the claims, or the leasehold. Labor performed or improvements made, if any, during the period from the date of the recording of the claim to the issuance of the lease thereon, if the locator or holder thereof or their successor in interest should acquire the lease, may be credited for assessment work on the said claim or claims only for the first period or year within which the work is required to be done under the provisions of this act.

SEC. 83. At any time after the performance of the annual labor or the making of improvements upon a mining claim, but not later than sixty days after the expiration of the period fixed by this Act, the lessee or some person in his behalf cognizant of the facts, shall make and file for record with the mining recorder of the province or district in which the claim is situated an affidavit in substance as follows:

AFFIDAVIT OF ANNUAL ASSESSMENT WORK

UNITED STATES OF AMERICA  
COMMONWEALTH OF THE PHILIPPINE

Province of .....

I, ..... being first duly sworn depose and say that I am citizen of the ..... of legal age, resident of ....., Province of ....., Philippines, and am personally acquainted with the mining claims or group of contiguous claims known as ..... lode or placer

*Give name of the claim*

claim or of the contiguous claims in the case of a group on which Lease No. .... was granted on ....., situated in the barrio of ....., municipality of ....., Province of ....., Island of ....., Philippines, the declaration of location of which... recorded in the office of the mining recorder of the said province or district in Book No. .... of the Record of Mining Claims, on pages.... ; that between the ..... day of .. 19.... and the .... day of ..... 19.... not less than ..... pesos worth of labor was performed or improvements made upon said claim or group of claims. Such work was done or improvements made by and at the expense of ..... the lease holder of said claim or group of claims for purpose of

complying with the laws of the Government of the Philippines relating to annual assessment work, and.....

.....  
*Here give the names and addresses of the miners and other persons who did the work*

were the persons employed by the said lease holder who did such work or made such improvements; and that said work or improvements consisted of and are described as follows, to wit:

.....  
*Here describe the work done*

Signature.....  
*Affiant*

Subscribed and sworn to before me this..... day of ..... 19..... The affiant exhibited to me his cedula No. . . . issued in ..... on .....

Signature.....  
*Notary Public*

Such affidavit, when recorded in due time, shall be *prima facie* evidence of the performance of such labor or the making of such improvements, and shall be received in evidence by the Director of the Bureau of Mines and by all courts in the Philippines, as shall also the record thereof or a certified copy of the same.

The Collector of Internal Revenue, within sixty days from the date of the receipt of the payment of the rentals or royalties due on any mining lease, or minerals or mineral products extracted therefrom, shall inform the mining recorder concerned and the Director of the Bureau of Mines of such payment, giving the name of the claim or claims, the entry number of the lease, the date of the payment, the number of official receipts, and the name or names of the person, association or corporation for which such payment has been made. The mining recorder, upon receipt of such information, shall cause the same to be entered in his record book and to be posted on the bulletin board of his office for a period of not less than twenty consecutive days.

SEC. 84. Whenever the lessee fails to comply with any provisions of this Act or the rules and regulations promulgated thereunder, or with any of the provisions of the lease contract, the lease may be forfeited and cancelled by the Secretary of Agriculture and Commerce or by appropriate proceeding in a

court of competent jurisdiction, if necessary, and the lessee shall be liable for all unpaid rentals and royalties due the Government on the lease up to the time of its cancellation.

SEC. 85. In the event that any mining lease is cancelled by the procedure prescribed in the next preceding section hereof, the Director of Bureau of Mines shall, within thirty days after the date of such forfeiture or cancellation, cause a notice thereof to be posted on the bulletin board of the Bureau of Mines and in the office of the mining recorder of the province or district in which such claim or claims covered by such mining lease are situated, and the lands covered thereby shall be thereupon open to relocation and lease under the provisions of this Act.

SEC. 86. When unoccupied lands of the public domain, not known to contain valuable mineral deposits, is necessary or convenient for mining or milling purposes a parcel of such land, not to exceed nine hectares in extent, may be located for such purpose by any person qualified to locate mining claims under the provisions of this Act, and a lease for such land may at any time thereafter be acquired by the locator for the same period of time and subject to the same terms and conditions regarding the payment of rentals and tax as provided in this Act: *Provided*, That no such location shall be recorded unless the declaration thereof be accompanied by an affidavit made by the locator, or some person on his behalf cognizant of the facts, to the following effect. That the land covered by the claim is necessary or convenient for specific mining or milling purposes, indicated and described therein, and that no valuable mineral deposits are known to exist within such claim: *Provided, further*, That if at any time after the said lease has been granted mineral deposits should be discovered within said claim and mineral or minerals be extracted and removed therefrom, on all such output the lessee of the claim shall pay to the Government royalty at the same rate and subject to the same terms and conditions as are provided in this Act.

SEC. 87. All mineral lands not covered by lease shall be subject to real estate tax payable at the same rate and collectible at the same time and manner and subject to the same liabilities and forfeiture, as provided in Chapter seventeen of the Revised Administrative Code, as amended.

SEC. 88. There shall be assessed and collected an *ad valorem* tax of one and one-half *per centum* of the actual market value of the annual gross output of the minerals or mineral

products extracted or produced from all mineral lands, not covered by lease: *Provided*, That in the case of gold mines, their annual gross output shall be subject to a tax of one and one-half *per centum* when the value of the said output does not exceed five hundred thousand pesos; two *per centum* when the value exceeds five hundred thousand pesos but does not exceed one million pesos; two and one-half *per centum* when the value exceeds one million pesos but does not exceed one million five hundred thousand pesos; three *per centum* when the value exceeds one million five hundred thousand pesos but does not exceed two million pesos; three and three-eighths *per centum* when the value exceeds two million pesos but does not exceed two million five hundred thousand pesos; three and three-fourths *per centum* when the value exceeds two million five hundred thousand pesos but does not exceed three million pesos; four and one-eighth *per centum* when the value exceeds three million pesos but does not exceed three million five hundred thousand pesos; four and one-half *per centum* when the value exceeds three million five hundred thousand pesos but does not exceed four million pesos; four and three-fourths *per centum* when the value exceeds four million pesos but does not exceed four million five hundred thousand pesos; five *per centum* when the value exceeds four million five hundred thousand pesos but does not exceed five million pesos; five and one-eighth, *per centum* when the value exceeds five million pesos but does not exceed five million five hundred thousand pesos; five and one-fourth *per centum* when the value exceeds five million five hundred thousand pesos but does not exceed six million pesos; five and three-eighths *per centum* when the value exceeds six million pesos but does not exceed six million five hundred thousand pesos; and five and one-half *per centum* when the value exceeds six million five hundred thousand pesos; *Provided, further*, That the following rates of deduction from the taxes on the annual gross output of gold payable under the provisions of this section shall be allowed:

(1) Fifteen *per centum* in the case of lode mines producing gold from ores which average less than ten pesos, but more than seven pesos per ton;

(2) Twenty-five *per centum* in the case of lode mines producing gold from ores which average less than seven pesos per ton. The average value *per ton* of ore shall be determined by dividing the total gross output in pesos for any year by the total number of tons milled during that year for any particular mine;

(3) Thirty-five *per centum* in the case of gold placer mines. The term "gross output" of mines or mineral lands shall be interpreted as the actual market value of mineral or mineral products, or of bullion from each mine or mineral lands operated as separate entity without any deduction for mining, milling, refining, transporting, handling, marketing, or any other expenses. The output of any group of contiguous mining claims shall not be subdivided.

The said *ad valorem* tax shall be due and payable to the Government of the Philippines through the Collector of Internal Revenue within sixty days after the shipment of the mineral or mineral products from the mines: *Provided*, That before any mineral or mineral product may be shipped from the mine, the Collector of Internal Revenue or his representative shall first be duly notified to that effect: *Provided further*, That upon failure to pay the *ad valorem* tax herein levied within the time prescribed, the same penalties or liabilities as provided by existing law for the collection of such taxes shall be imposed: *Provided finally*, That the *ad valorem* tax herein provided to be paid and collected shall accrue to the general fund of the National Treasury and shall be in lieu of any royalty or other *ad valorem* taxes imposed by this Act, and by section one thousand five hundred and thirty-four of the Revised Administrative Code as amended by Act Numbered Four thousand fifty-eight.

CHAPTER VII.—*Timber and Water Rights, Rights of Way, Mine Personnel and Officers Charged with the Execution of the Provisions of this Act.*

SEC. 89. A *bona fide* holder of a mining claim or group of contiguous claims under this Act, shall have the gratuitous right to cut trees or timber within such mining claim or claims for use in the development or operation of only the said claim or claims: *Provided*, That the cutting of said timber shall be in accordance with the rules and regulations prescribed by the Bureau of Forestry: *And provided, further*, That the land or lands covered by such mining claim or group of claims are not covered by any existing timber concession granted by the Bureau of Forestry.

SEC. 90. *Bona fide* holders of a mining claim or group of contiguous claims under this Act shall also be allowed a gratuitous water right or rights for the development and operation of such claim or claims upon filing an application therefor with the Director of the Bureau of Public Works in accordance with the

existing law of waters and the rules and regulations promulgated thereunder: *Provided*, That water rights already granted or vested through long use, recognized and acknowledged by the local customs, laws and decisions of courts, shall not thereby be impaired: *Provided, further*, That the Government reserves the right to regulate rights and the reasonable and equitable distribution of water supply so as to prevent the monopoly of the use thereof.

SEC. 91. When any mine, or mining claim is so situated that for the more convenient enjoyment of the beneficial rights on the same, a road, a railroad, tramway, electric transmission, telephone or telegraph line, or aerial transportation thereto or therefrom, or a ditch, canal, pipe line, flume, cut, shaft, or tunnel to drain or convey water, ore, waste or trailings therefrom or a shaft or tunnel for mining purposes, may be necessary for the better working thereof, which road, railroad, tramway, electric transmission, telephone or telegraph line, aerial transportation, ditch, canal, pipe line, flume, cut shaft or tunnel may require the use or occupancy of a mining claim or claims or other lands, owned, occupied, possessed or leased by another or others than the person or persons or body corporate requiring an easement for any of the purposes hereinbefore enumerated, which purpose are hereby declared to be for the public use of benefit for which the right of eminent domain may legally be exercised, the owner, locator, or lessee of the mine or mining claim first above-mentioned, shall be entitled to a right of way, entry and possession for the uses, purposes and privileges of such roads, railroads, tramway, electric transmission, telephone or telegraph line, aerial transportation, ditch, canal, pipe line, flume, cut, shaft or tunnel, in, upon, through, under and across such mining claims or other lands, upon compliance with the provisions of this Act hereinafter provided.

SEC. 92. When the owner or occupant of any mine or mining claim desires to work the same, and it is necessary, in order to enable him to do so successfully and conveniently, that he has a right of way for any of the purposes mentioned in the foregoing sections, if such right-of-way cannot be acquired by agreement with the owner, occupant, or claimant of mining claims or other lands over, under, through, across, or upon which he seeks to acquire such right-of-way the applicant may commence and maintain an action in the manner provided in sections two hundred and forty-one to two hundred and fifty-three, inclusive, of Act Numbered One hundred and ninety, and

in the Acts amendatory and supplementary to the said sections, now or hereafter in effect, including Act Numbered Twenty-two hundred and forty-nine providing for the exercise of the power of eminent domain by the Government and its subdivisions. At least one of the commissioners to be named in accordance with section two hundred and forty-three of the Code of Civil Procedure shall, in any case brought hereunder, be a mining engineer, duly qualified as such under the laws of the Government of the Philippines, and such mining engineer or engineers need not be land holders or owners of the province where the land is situated.

SEC. 93. No person under the age of sixteen years shall be employed in, or about any mine in work connected with mining operation, and no male person or persons under the age of eighteen years, nor any girl or woman, shall be employed under ground in any mine.

SEC. 94. No person shall have the general direction of the work in, or act as superintendent of a mine, mill, or quarry, employing more than fifty persons, working underground at any one time without being duly licensed as a mining engineer or as an experienced mining or mill foreman certified as such by the Board of Examiners for Mining Engineers, unless expressly permitted to do so by the Director of the Bureau of Mines.

SEC. 95. The Secretary of Agriculture and Commerce shall be the executive officer charged with carrying out the provisions of this Act, through the Director of the Bureau of Mines, who shall act under his immediate control.

SEC. 96. The appraisal or reappraisal, valuation or revaluation of any mine, mining claim or claims with or without improvements thereon, patented, leased or otherwise, for the purpose of raising capital for the formation, or organization of association, partnership or corporation or for promotion work, or for issuing shares of stock, or for determining the present net value of the mines, shall be made by the Director of the Bureau of Mines or his duly authorized representative, and no such mine, mining claim or claims, with or without improvement thereon, patented, leased or otherwise, shall be accepted as asset or basis of any asset in any formation or organization association, partnership, or corporation for registration or incorporation without the value thereof having been first appraised or determined by the Director of the Bureau of Mines as herein provided.

CHAPTER VIII.—*Penal Provisions*

SEC. 97. All statements, representations, or report required by this Act, unless otherwise specifically provided herein shall be upon oath and in such form and upon such blanks as the Director of the Bureau of Mines, approved by the Secretary of Agriculture and Commerce, may provide; and any person, making knowingly any false statement, representation or report under oath shall be subject to punishment for perjury, upon conviction therefor by a competent court.

SEC. 98. Any person, who, with intent of gain, presents, or causes to be presented, any false application, declaration, or evidence to the Government or publishes, or causes to be published, any prospectus or other information containing any false statement relating to mines, mining operation, mining claims or lease, shall be guilty of perjury, if such false statement is made under oath, and shall be punished, upon conviction, in accordance with the provisions of the Revised Penal Code. If such false statement is not made under oath he shall be punished, upon conviction, by a fine not exceeding six hundred pesos.

SEC. 99. Any person who willfully and maliciously defaces, alters, removes, or disturbs any stake, post, monument, boundary line, or any other mark lawfully placed under the authority of this Act, or destroys, injures or defaces any rules, or notices, which have been posted, concerning locations, mining application for leases, mines, and any other related subject, shall be punished upon conviction, by a fine not exceeding five hundred pesos, besides paying compensation for the expenses incurred in replacing the defaced, altered, removed, or disturbed stakes, post, monument, boundary line, notices, or any other mark.

SEC. 100. Any person who, with intent of gain, willfully and unlawfully extracts minerals belonging to the Government or from a mining claim or mining claims leased, held or owned by other persons without the permission of the lawful lessee, holder or owner thereof, or steals ores or the products thereof from mines or mills, shall be guilty of theft, or qualified theft, as the case may be, and shall be punished, upon conviction, in accordance with the provisions of the Revised Penal Code, besides paying compensation for the damage caused thereby.

SEC. 101. Any person who, with intent of gain knowingly sells, transfers or conveys any false mining claims or claims or any false right, title or interest in such mining claims which were not actually located on the ground and do not exist as such

claims shall be guilty of *estafa* and shall be punished upon conviction in accordance with the provisions of the Revised Penal Code.

SEC. 102. Any person who, with intent of gain, knowingly places or deposits, or becomes accessory to the placing or depositing of, any mineral in and land for the purpose of "salting" and of misleading other persons as to the value of the mineral deposits in such land, or who with intent of gain, knowingly commingles, or causes to be commingled, samples of minerals with any other substance whatsoever, which increases the value of any way changes the nature of the said minerals or substance, or substitutes samples or mineral for the purpose of deceiving, cheating, or defrauding any person, shall be punished, upon conviction, by imprisonment not exceeding a period of five years, besides paying compensation for the damage which may have been caused thereby.

SEC. 103. Any person who willfully and maliciously causes or permits sludge or tailings to accumulate in, or flow from his mining claims so as to cause danger, injury, or obstruction to any public road, rivers, or streams or other public property, shall be punished, upon conviction, by a fine not exceeding two hundred pesos, besides paying compensation for any damage which may have been caused thereby.

SEC. 104. Any person who willfully and maliciously or with intent of gain, takes water from a mining mill, race, dam, reservoir, or from any other form of deposit, or prevents the water from entering said mining mill, race, dam, reservoir, or in any way interferes with the full enjoyment of water rights previously granted and lawfully held by another persons, shall be punished, upon conviction, by a fine not exceeding one hundred pesos.

SEC. 105. Any person who willfully and maliciously destroys or injures any structure in or on mining claims, or on sites for reduction works, shall be punished, upon conviction, by imprisonment not to exceed five years, besides paying compensation for the damage which may have been caused thereby.

SEC. 106. Any person who willfully and maliciously sets fire to any mineral, mine, or the workings, fittings, or appliances of a mine, shall be guilty of arson and shall be punished, upon conviction, in accordance with the provisions for the damage caused thereby.

SEC. 107. Any person who willfully and maliciously damages a mine, unlawfully causes water to run into a mine, or into any subterranean passage communicating with a mine, or obstructs any shaft or passage to a mine, or renders useless, damages, or destroys any machine, appliance, apparatus, rope, chain, tackle, or any other thing which is used in a mine, shall be punished, upon conviction, by imprisonment not exceeding a period of five days, besides paying compensation for the damage cause thereby.

SEC. 108. Any person who willfully and maliciously obstructs the Director of the Bureau of Mines, or any of his subordinates or representatives, in the performance of their duties in connection with any mine or mines shall be punished, upon conviction, by a fine not exceeding one hundred pesos.

#### CHAPTER IX.—*General Provisions*

SEC. 109. No grant of lands to provinces, districts or municipalities, to aid in the construction of roads, or for other public purposes, shall include any mineral lands.

#### CHAPTER X.—*Transitory and Final Provisions*

SEC. 110. During the Commonwealth of the Philippines, citizens of the United States or corporations organized and constituted under the law of the United States or of any state or territory thereof, and authorized to transact business in the Philippines, shall enjoy the same rights under this Act as citizens or corporations of the Philippines.

SEC. 111. If, for any reason, any section or provision of this Act is challenged in a competent court and is held or declared to be unconstitutional or invalid, none of the other sections or provisions thereof shall be affected thereby and such other sections and provisions shall continue to govern as if the section or provision so annulled had never been incorporated in this Act, and in lieu of the section or provision so annulled, the provisions of law on the subject thereof in force prior to the approval of this Act shall govern until the National Assembly shall otherwise provide in the premises.

#### CHAPTER XI.—*Repeals*

SEC. 112. Act Numbered Forty-two hundred and forty-three and all laws, acts or parts thereof, and all regulations, rules and instructions or parts of the same, inconsistent with any of the provisions of this Act are hereby repealed.

SEC. 113. This Act shall take effect upon its approval.  
Approve, Nov. 7, 1936.