

RECENT LEGISLATION

(COMMONWEALTH ACT
No. 309)

AN ACT TO AMEND SECTIONS SIXTY-TWO AND SIXTY-EIGHT OF COMMONWEALTH ACT NUMBERED ONE HUNDRED AND THIRTY-SEVEN, KNOWN AS THE "MINING ACT".

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Sections sixty-two and sixty-eight of Commonwealth Act Numbered One hundred and thirty-seven are amended so as to read as follows:

"SEC. 62. Any qualified person making a valid location of a mining claim or claims, his successors, and assigns, acquires thereby the right of exploration and occupation from the date of the registry of the claims in the office of the mining recorder; and if he applies for lease of said claim or claims and his application appears to be *prima facie* well founded, subject to the rules and regulations that the Secretary of Agriculture and Commerce may prescribe, he shall be entitled, before the lease is granted as provided in this Act, to a temporary permit to be issued by the Secretary of Agriculture and Commerce within forty-five days from the date application for such permit is filed, to mine and extract minerals from said claim or claims for commercial purposes, subject, however, to the payment of royalties provided in this Act for claims covered by lease: *Provided, however,* That the holders of mining claims located under the Act of Congress of July first, nineteen hundred and two, as amended, who may be required to apply for

a lease or leases thereon under the provisions of section sixty-eight hereof, as amended, subject to the rules and regulations that the Secretary of Agriculture and Commerce may prescribe, may extract minerals therefrom for commercial purposes without such temporary permit until such time as their applications for such lease are passed upon, subject, however, to the payment of royalties provided in this Act for claims covered by leases: *Provided, finally,* that the Secretary of Agriculture and Commerce may at any time cancel for violation of laws and regulations and after due bearings the temporary permit mentioned in this provision and in the case of unpatented mining claims located under the Act of Congress of July first, nineteen hundred and two, as amended, stop the extraction of minerals therefrom for commercial purposes, without any responsibility or the part of the Government as to expenditures for development works or exploitation purposes that might have been incurred by the applicants, pending the determination of their applications for lease.

"SEC. 68. Application for a lease on a mining claim shall be filed within four years from the date of the recording of the claim in the office of the mining recorder or within four years from the date of 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. 3. This Act shall take effect upon its approval.

Approved, June 9, 1938.

(COMMONWEALTH ACT
No. 327)

AN ACT FIXING THE TIME WITHIN WHICH THE AUDITOR GENERAL SHALL RENDER HIS DECISIONS AND PRESCRIBING THE MANNER OF APPEAL THEREFROM.

Be it enacted by the National Assembly of the Philippines:

SECTION 1. In all cases involving the settlement of accounts or claims, other than those of accountable officers, the Auditor General shall act and decide the same within sixty days, exclusive of Sundays and holidays, after their presentation. If said accounts or claims need reference to other persons, office or offices, or to a party interested, the period aforesaid shall be counted from the time the last comment necessary to a proper decision is received by him. With respect to the accounts of accountable officers, the Auditor General shall act on the same within one hundred days after their submission, Sundays and holidays excepted.

In case of accounts or claims already submitted to but still pending decision by the Auditor General on or before the approval of this Act, the periods provided in this section shall commence from the date of such approval.

SEC. 2. The party aggrieved by the final decision of the Auditor General in the settlement of an account or claim may, within thirty days from receipt of the decision, take an appeal in writing:

(a) To the President of the United States, pending the final and complete withdrawal of her sovereignty over the Philippines, or

(b) To the President of the Philippines, or

(c) To the Supreme Court of the Philippines if the appellant is a private person or entity.

If there are more than one appellant, all appeals shall be taken to the same authority resorted to by the first appellant.

From a decision adversely affecting the interests of the Government, the appeal may be taken by the proper head of the department or in case of local governments by the head of the office or branch of the government immediately concerned.

The appeal shall specifically set forth the particular action of the Auditor General to which exception is taken with the reasons and authorities relied on for reversing such decision.

SEC. 3. This Act shall take effect upon its approval.

Approved, June 18, 1938.

