

EDITORIAL

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ASSURANCE

The decision of the Supreme Court of the Philippines in the Gold Creek case, promulgated September 28, to the effect that a valid location of a mining claim prior to the establishment of the Commonwealth on November 15, 1935 segregated the area from the public domain, clears up a point that has been a source of great concern to the mining industry.

The point at issue was whether or not the Philippine Constitution would permit the granting of patents on mining claims located, but not patented, before the Commonwealth was inaugurated. The Constitution itself is contradictory on the matter; in one section it states that all mineral lands of the public domain and all natural resources belong to the State, and their disposition shall be limited to citizens of the Philippines or to corporations or associations at least 60 per cent of the capital of which is owned by such citizens. In another section, however, the Constitution says that citizens and corporations of the

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RALPH KEELER, Editor and Business Manager

United States shall enjoy in the Commonwealth of the Philippines all the civil rights of the citizens and corporations, respectively thereof.

It was argued that "rights" did not include the right to acquire the possession of mineral lands. The spirit of the Constitution is clear—it was so drawn as to obligate the Commonwealth to respect all obligations incurred by the previous government. The letter of the Constitution, however, was somewhat confusing. As a result, a number of test cases were instituted, after a series of conferences between high governmental officials and mining operators. It was felt that a definite ruling should

be made once and for all, in order that the mining men might continue their operations without fear of unjustifiable interference.

The decision in the Gold Creek case established the basic rights of locations of mining claims to the full possession of their land, subject, of course to compliance with existing rules and regulations. A certain amount of red tape may be expected to slow up the process of obtaining patents, but with the assurance that the Constitution provides for their issuance the mining industry as a whole has done much to promote confidence in future relations between the industry and the government.

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