

Republic Acts

[Republic Act No. 739]

AN ACT TO REQUIRE THE RECONSTITUTION OR RECONSTRUCTION, IN THE BUREAU OF MINES, OF LOST OR DESTROYED MINING RECORDS, AND FOR OTHER PURPOSES.

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

Section 1. Any locator, lease applicant, permittee, lessee, concessionaire, assignee, owner, or holder of mining claims or concessions the records of which were lost or destroyed, either totally or partially by reason of the last war or the circumstances arising therefrom, and which have not as yet been reconstituted or reconstructed under an administrative proceeding in the Bureau of Mines, shall file a petition under oath with the Director of Mines for the reconstitution or reconstruction of said records within two years from the date of the approval of this Act, and shall prosecute the same with reasonable diligence in accordance with the rules and regulations to be promulgated by the Secretary of Agriculture and Natural Resources: *Provided*, That the rights of said locator, lease applicant, permittee, lessee, concessionaire, assignee, owner or holder over such mining claims or concessions are valid and existing at the time said petition for reconstitution or reconstruction of records is filed. Failure to file said petition within the period fixed in this Act, or to prosecute the same with due diligence, shall result in the loss of all rights acquired by virtue of the said location, application, permit, lease or concession, and the land covered by the same shall thereupon be open to relocation or application by third parties in the same manner as if no previous location, application, permit, lease or concession for the same land had ever been made or granted.

Sec. 2. Any locator, lease applicant, permittee, lessee, concessionaire, assignee, owner or holder of mining claims or concessions who has in his possession documents pertaining to his mining claim or concession, shall inform the Director of Mines within two years from the date of the approval of this Act, of the existence of such mining claim or concession documents he possesses. If copies of the same are found not existing in the records of the Bureau of Mines or of the mining recorder concerned, the Director of Mines shall so inform the said locator, lease applicant, permittee, lessee, conces-

sionaire, assignee, owner, or holder, who shall, within thirty days from receipt of such information, file with the Director of Mines a petition under oath for the reconstitution of his records in the said offices, accompanying his petition with certified true copies of said mining documents in his possession. Failure to inform the Director of Mines of such documents and to file the petition when required within the period fixed in this Act and to prosecute the same with due diligence in accordance with the rules and regulations to be promulgated by the Secretary of Agriculture and Natural Resources, shall open the area covered by such mining records to relocation or application by third parties in the same manner as if no location, application, permit, lease, or concession had ever been made or granted covering the same area.

Sec. 3. Every petition for reconstitution or reconstruction of lost or destroyed mining records filed in the Bureau of Mines in accordance with this Act, shall be accompanied with a filing fee of five pesos.

Sec. 4. Decisions and orders of the Director of Mines on cases pertaining to the reconstitution or reconstruction of mining records as provided for in this Act, may be appealed to the Secretary of Agriculture and Natural Resources by filing with the Director of Mines a notice of such appeal within thirty days after receipt by the party appealing of a copy of such decision or order. If no appeal is made within said period the decision of the Director of Mines shall be final and binding upon the parties concerned. The decision of the Secretary of Agriculture and Natural Resources may be taken to the court of competent jurisdiction as in ordinary civil cases within thirty days from receipt of such decision: *Provided*, That if no such action is taken within the period of thirty days from receipt of such decision, the decision of the Secretary of Agriculture and Natural Resources shall likewise be final and binding upon the parties concerned.

Sec. 5. This Act shall take effect upon its approval.

Approved, June 18, 1952.

[Republic Act No. 740]

AN ACT TO AMEND SECTIONS ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, AND TEN, TO INSERT SECTION 2-A IN, AND TO REPEAL SECTIONS EIGHT AND NINE, OF ACT

NUMBERED TWO THOUSAND SEVENTY-NINE HUNDRED NINETEEN, OTHERWISE KNOWN AS THE COAL LAND ACT, AS AMENDED, AND FOR OTHER PURPOSES.

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

Section 1. Sections one, two, three, four, five, six, seven and ten of Act Numbered Two thousand seven hundred nineteen, otherwise known as the Coal Land Act, as amended, are hereby amended so as to read as follows:

"Sec. 1. Coal-bearing lands in the Philippines shall not be disposed of in any manner except as provided in this Act.

"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 coal which may be found on or under the surface. The ownership of, and the right to extract and utilize the coal included within all areas for which public agricultural land patents are granted are excluded and excepted from all such patents. The ownership of, and the right to extract and utilize the coal included within all areas for which Torrens titles are granted are excluded and excepted from all such titles.

"Sec. 2. Any unreserved and unappropriated coal-bearing lands may be leased by the Secretary of Agriculture and Natural Resources in blocks or tracts of not less than fifty nor more than twelve hundred hectares each in such manner as may, in the opinion of the Secretary of Agriculture and Natural Resources, allow the economic development and exploitation of the coal deposit: *Provided*, That an applicant may be granted a lease or leases on not more than six separate blocks or tracts of coal land in any one province: *And provided, further*, That the aggregate area of all such blocks or tracts shall not be more than twelve hundred hectares in the whole Philippines. The lease may be granted to any person twenty-one years of age or over who is a citizen of the Philippines or to any association, partnership or corporation organized under the laws of the Philippines: *Provided*, That at least sixty per centum of the capital of such corporation or association is owned and held at all times by such citizens.

"Sec. 3. Leases under the provisions

of this Act shall be issued upon publication, in the manner and subject to the rules prescribed by the Secretary of Agriculture and Natural Resources, for a period of not more than twenty-five years, renewable for another twenty-five years subject to such terms and conditions as may be authorized by law at the time of such renewal, and no such lease shall be assigned or sublet except with the consent of the Secretary of Agriculture and Natural Resources, and in this case only to persons, partnerships, associations, or corporations having the qualifications required of lessees: *Provided*, That failure of an applicant to prosecute his coal lease application with reasonable diligence and to have the area covered thereby surveyed within one year from the date said application is filed in the Bureau of Mines shall be considered a waiver of his aforesaid coal lease application. Every lease shall contain a clause by which the lessee shall bind himself to comply with the rules and regulations issued by the Secretary of Agriculture and Natural Resources for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property and for the prevention of undue waste, together with such other rules and regulations as the Secretary may make for the protection of the interests of the Government and for the promotion of the public welfare. For the privilege of mining, extracting, and disposing of the coal in the lands covered by his lease, the lessee shall pay to the Government of the Philippines through the Collector of Internal Revenue, such royalties as may be specified in the lease, which shall not be less than ten centavos per ton of one thousand and sixteen kilos, to be due and payable upon the removal of the coal from the locality where mined and an annual rental, payable in advance on the date of the approval of the lease and on the same date every year thereafter on the lands covered by such lease, at the rate of two pesos and fifty centavos per hectare or fraction thereof for each and every year for the first ten years, and five pesos per hectare or fraction thereof for each and every year thereafter during the life of the lease: *Provided*, That such rental for any year shall be credited against the royalties as they accrue for that year as provided in this Act: *And provided, further*, That such rental and royalties paid during any year shall be credited against the specific tax provided for in section one hundred forty-three of the national internal revenue code, as amended.

"Sec. 4. Any person, association, partnership, or corporation holding a lease of coal lands under this Act may, at any time surrender such lease or any portion thereof, and with the approval

of the Secretary of Agriculture and Natural Resources and through the same procedure and upon the same terms and conditions as in the case of the first lease granted under this Act, secure and hold additional leases on such blocks or tracts as provided in this Act, covering additional lands separate from or contiguous to those embraced in the original lease or leases, but in no event shall the total number of such lease exceed six in any one province, or the total area embraced in such original and new leases exceed in the aggregate twelve hundred hectares in the whole Philippines.

"Sec. 5. Subject to the approval of the Secretary of Agriculture and Natural Resources, lessee holding under leases contiguous blocks or areas may consolidate their said leases or holdings so as to include in a single holding a total of not to exceed twelve hundred hectares provided all lessees have at the time of such consolidation complied individually with all their obligations towards the Government.

"Sec. 6. Each lease shall be for such leasing block or tract of land as may be offered or applied for, not less than fifty nor more than twelve hundred hectares of land as hereinabove provided.

"Sec. 7. Any persons, association, partnership or corporation who, without first securing a coal lease, revocable permit or license under the provisions of this Act, shall mine and extract coal belonging to the government, and dispose of the same for commercial purposes, or from an area covered by a coal lease, permit or license of another person without his permission, 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 damages caused thereby: *Provided*, That in the case of association, partnership, or corporation, the president or manager thereof shall be responsible for the acts committed by such association, partner, or corporation.

"Sec. 10. That in order to provide for the supply of local and domestic needs for fuel, the Secretary of Agriculture and Natural Resources may, under such rules and regulations as he may prescribe in advance, issue to any applicant qualified under section two of this Act, whether or not he is an applicant for, or holder of, one or more coal leases under this Act, not more than three limited licenses or commercial revocable permits granting the right to prospect for, mine, and dispose of coal belonging to the Government on specified separate tracts covering an area of not to exceed four hectares each to any one person, association, partnership, or corporation in any

one or more coal field for a period of no exceeding ten years, on such conditions not inconsistent with this Act as in his opinion will promote the coal industry and safeguard the public interest upon payment of a royalty of fifty centavos per ton for the coal mined in lieu of the specific tax on coal."

Sec. 2. Section 2-A is hereby inserted between sections two and three of Act Numbered Two Thousand seven hundred nineteen as amended, which shall read as follows:

"Sec. 2-A. In case a coal lease or revocable permit application covers in whole or in part private land, the same shall be accompanied by the written authority of the owner of the land: *Provided*, That in case of refusal of the owner of the land to grant such written authority, the matter as well as the amount of compensation to be paid to the owner of the land shall be fixed by agreement between the applicant and the surface owner, and in case of their failure to agree as to the conditions of the granting of the written permission and the amount of compensation to be paid, all questions issue shall be determined by the court of first instance of the province in which said land is situated in an action instituted for the purpose by the applicant and the permission may be granted by the court as soon as the applicant deposits the amount fixed as compensation for any resulting damage or files a bond to be approved by the court sufficient to insure the payment of the compensation for the owner of the land. The court shall thereupon determine the compensation for a resulting damage, for the purposes for which the land has been applied for, and thereafter grant the written authority required herein. The owner who holds a Torrens title on his land included in a coal lease shall be entitled to receive five per cent of the royalty due to the government on coal extracted from his private land.

Conflicts and disputes arising out of coal lease and/or coal revocable permit applications shall be submitted to the Director of Mines for decision: *Provided*, That the decision or order of the Director of Mines may be appealed to the Secretary of Agriculture and Natural Resources within thirty days from the date of its receipt. In case anyone of the parties should disagree from the decision or order of the Director of Mines or of the Secretary of Agriculture and Natural Resources, the matter may be taken to the court of competent jurisdiction within thirty days from the receipt of such decision or order; otherwise, the decision of the Director of Mines or the Secretary of Agriculture and Natural Resources as the case may be, shall be

final and binding upon the parties concerned."

Sec. 3. Sections eight and nine of Act Numbered Two thousand seven hundred nineteen, as amended, are hereby repealed.

Sec. 4. All laws and regulations or parts thereof, which are inconsistent with the provisions of this Act, are hereby repealed.

Sec. 5. This Act shall take effect upon its approval.

Approved, June 18, 1952.

[Republic Act No. 743]

AN ACT PROVIDING PROTECTION TO LOCATORS, HOLDERS, LESSEES AND OPERATORS OF UNPATENTED MINING CLAIMS AND LEASES BY EXEMPTING THEM FROM THE PERFORMANCE OF ANNUAL LABOR OR ASSESSMENT WORK REQUIRED BY EXISTING LAWS FOR THE YEARS NINETEEN HUNDRED AND FIFTY-ONE TO NINETEEN HUNDRED AND FIFTY-TWO INCLUSIVE.

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

Section 1. Any provisions of existing laws to the contrary notwithstanding, the performance of annual assessment work or improvements, by locators, holders, or operators of unpatented mining claims acquired under the Act of Congress of July one, nineteen hundred and two, as amended, or mining leases granted under the Mining Act, are hereby waived for a period of two years beginning January one, nineteen hundred and fifty-one to December thirty-one, nineteen hundred and fifty-two inclusive.

Sec. 2. This Act shall take effect upon its approval.

Approved, June 18, 1952.

[Republic Act No. 746]

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

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

Section 1. Subsection (a) of section twenty-eight of Commonwealth Act

Numbered One hundred thirty-seven, known as the Mining Act, is hereby amended to read as follows:

"Sec. 28. No prospecting shall be allowed:

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

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

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

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

"Sec. 61. Conflicts and disputes arising out of mining locations shall be submitted to the Director of Mines for decision: *Provided*, That the decision or order of the Director of Mines may be appealed to the Secretary of Agriculture and Natural Resources within thirty days from the date of its receipt. In case any one of the parties should disagree from the decision or order of the Director of Mines or of the Secretary of Agriculture and Natural Resources, the matter may be taken to the court of competent jurisdiction within thirty days from the receipt of such decision or order; otherwise the said decision or order shall be final and binding upon the parties concerned."

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

"Sec. 62. Any qualified person making a valid location of a mining claim or claims, his successors, and assigns, acquires thereby the right of exploration and occupation from the date of the registry of the claims in the office of the mining recorder; and if he applies for lease of said claim or claims and, upon investigation, it shall be found that it is free of claims and conflicts, or that his application appears to be *prima facie* well founded, subject to the rules and regulations that the Secretary of Agriculture and Natural Resources may

prescribe, he shall be entitled, before the lease is granted as provided in this Act, to a temporary permit, to be issued by the Secretary of Agriculture and Natural Resources within forty-five days from the date application for such permit, accompanied by the necessary technical description and survey plan of the mining claim or claims, is filed, to mine, extract and dispose of minerals from said claim or claims for commercial purposes, subject, however, to the payment of royalties provided in the National Internal Revenue Code, as amended, for claims covered by lease: *Provided, however*, That the holders of mining claims located under the Act of Congress of July one, nineteen hundred and two, as amended, who may apply for a lease or leases thereon under the provisions of section sixty-eight of this Act, as amended, subject to the rules and regulations that the Secretary of Agriculture and Natural Resources may prescribe, may extract minerals therefrom for commercial purposes without such temporary permit until such time as the leases applied for are granted subject, however, to the payment of royalties provided for in the National Internal Revenue Code, as amended, for claims covered by leases and to the condition that the mining claim or claims to be developed or exploited shall first be properly surveyed: *Provided, finally*, That the Secretary of Agriculture and Natural Resources may at any time cancel for violation of laws and regulations and after due hearings the temporary permit granted under the provision of this Act, and in the case of unpatented mining claims located under the Act of Congress of July one, nineteen hundred and two, as amended, stop the extraction of minerals therefrom for commercial purposes, without any responsibility on the part of the Government as to expenditures for development works or exploration purposes that might have been incurred by the applicants, pending the determination of their applications for lease."

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

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

tion, and the necessary survey of the mining claim or claims shall be made within a reasonable time thereafter, 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. 6. Section sixty-eight of the same Act, as amended, is hereby further amended to read as follows:

"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. 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. 7. Section seventy-three of the same Act is hereby amended to read as follows:

"Sec. 73. At any time during the period of application, any adverse claim may be filed under oath with the Director 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: *Provided, however*, That no adverse claim from any person, association, partnership or corporation, whose protest filed under section sixty-one of this Act has already been finally decided by the Director of Mines and/or the Secretary of Agriculture and Natural Resources, shall be entertained. 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 affidavit 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 thirty days after filing his claim, to commence pro-

ceedings 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 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 court 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 Mines, whereupon the proceedings under the lease application shall be dismissed and the application denied."

Sec. 8. Section one hundred of the same Act is hereby amended to read as follows:

"Sec. 100. Any person who, without a mines temporary permit or mining lease shall extract minerals and dispose of the same for commercial purposes, belonging to the Government or from a mining claim or claims leased, held or owned by other persons without the permission of the lawful lessee, holder or owner thereof, or shall steal ores or the products thereof from mines or mills, shall, upon conviction, be imprisoned from six months to six years or pay a fine of from one thousand pesos to twelve thousand pesos, or both, in the discretion of the court, besides paying compensation for the damage caused thereby: *Provided*, That, in the case of association, partnership, or

corporation, the president or manager thereof shall be responsible for the acts committed by such association, partnership or corporation."

Sec. 9. This Act shall take effect upon its approval.

Approved, June 18, 1952.

[Republic Act No. 870]

AN ACT AUTHORIZING THE GUERRILLA AMNESTY COMMISSION TO HEAR AMNESTY APPLICATIONS IN CERTAIN CASES, EVEN IF THE SAME HAVE ALREADY BEEN DECIDED BY SUPERIOR COURTS.

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

Section 1. Any law or decision to the contrary notwithstanding, the decision of any superior court in a criminal case finding the acts of the accused for which he has been prosecuted as not falling under Amnesty Proclamation Number eight, dated September seven, nineteen hundred and forty-six, shall not bar him from raising or reopening the issue of amnesty in connection with the said acts before the proper Guerrilla Amnesty Commission: *Provided, however*, That the accused has not previously applied for amnesty in connection with the said acts to any Guerrilla Amnesty Commission or that he has not pleaded amnesty as a defense at the trial of the said criminal case in any inferior court.

Sec. 2. The proper Guerrilla Amnesty Commission referred to in the preceding section shall, upon petition of the accused, receive such evidence or further evidence as he may submit in support of his application.

Sec. 3. The decision of the Guerrilla Amnesty Commission denying the accused the right of amnesty shall be appealable by certiorari to the Supreme Court.

Sec. 4. An application for amnesty may be filed either by the person responsible for the acts for which he invokes amnesty or by his representatives.

Sec. 5. This Act shall take effect upon its approval.

Enacted without Executive approval, June 22, 1952.

THE STAR OF BETHLEHEM

As was said in the Book, when the Star did shine in Bethlehem on that early morn, it was to apprise the world that the Savior was born in a lowly manger, and to guide the shepherds tending their

flocks, and the Wise Men from the East to where He lay. On this day and age, may that Star indeed shine upon our hearts with deep humility, love and kindness for our fellowmen!—L. D. R.