

FURTHER AMENDING CERTAIN SECTIONS OF PRESIDENTIAL DECREE NUMBERED FOUR HUNDRED SIXTY-THREE, OTHERWISE KNOWN AS "THE MINERAL RESOURCES DEVELOPMENT DECREE OF 1974", AS AMENDED BY ...

PRESIDENTIAL DECREE NO. 1902, February 07, 1984

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WHEREAS, efforts of the Government to accelerate the development of our natural resources have been delayed by restrictions and limitations of time in meeting the requirements of the laws and rules in securing clearances and permits to undertake early mining operations;

WHEREAS, in order to help alleviate the present plight of the mining operators and boost early exploitation of their concessions, the laws and rules governing the submission of certain requirements should be liberalized, and

WHEREAS, in the interest of the mining industry, and pursuant to the policy of the Government to grant incentives to the industry in order to accelerate mineral production, it is desirable to grant sufficient time for submission of the requirements to make it more responsive to the needs of the mining industry.

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers vested in me by the Constitution, do hereby order and decree:

SECTION 1. Section 25 of Presidential Decree No. 463, as amended by Section 14 of Presidential Decree No. 1385 and Section 4 of Presidential Decree No. 1677, is further amended to read as follows:

"SEC. 25. Group Development.—The claimowner/ lessee may concentrate all the annual work obligations on any one or more of several contiguous or geologically related mining claims in one province, if it can be shown to the Director that such concentration of work will be most advantageous and beneficial in the development and operation of said mining claims: Provided, That any expenditure in excess of the minimum amount required for work obligations per hectare may be carried forward and credited to the work obligations of the group claims for the succeeding year or years subject to field verification by the Bureau: Provided, further, That if the expenditure incurred for any claim is less than that required in any year, the difference shall be paid and accrue to the Bureau of Mines and Geo-Sciences to be used exclusively for the purposes mentioned in Section 95 of the Decree."

SEC. 2. Section 27 of Presidential Decree No. 463, as amended by Section 15 of Presidential Decree No. 1385 and Section 5 of Presidential Decree No. 1677, is further amended to read as follows:

"SEC. 27. Annual Work Obligations.—The claim-owner/lessee shall submit proof of compliance with the annual work obligations by filing an affidavit therefore and the statement of expenditures and technical report in the prescribed form in support thereof with the Mines Regional Officer concerned within one hundred and twenty (120) days from the end of the year in which the work obligation is required: Provided, That failure of the claimowner to comply therewith for two (2) consecutive years shall constitute automatic abandonment of the mining claim: Provided, further, That, if it is found upon filed verification that no such work was actually done on the mining claim, the claimowner, lessee shall likewise automatically lose all his rights thereto notwithstanding submission of the aforesaid documents: Provided, finally. That the Director, in cases of

unstable peace and order conditions and, or involvement in mining conflicts may grant further extensions."

SEC. 3. Section 33 of Presidential Decree No. 463, as amended by Section 17 of Presidential Decree No. 1385, is further amended to read as follows:

"SEC. 33. Mines Temporary Permit.—Pending the issuance of a lease contract, the claimowner may, upon proper application duly filed with the Mines Regional Officer concerned, be issued a mines temporary permit by the Director upon compliance with all the obligations due on the mining claims subject thereof and the posting of the surety bond in an amount to be approved by the Director. This mines temporary permit shall be for a period of one (1) year, renewable for a total period not exceeding three (3) years.

A special permit may be issued by the Director for the removal, extraction and disposal of minerals found to exist in limited --quantities. Subject to the approval of the Minister, the Director shall issue rules and regulations to ensure proper removal, extraction and disposition of such minerals."

SEC. 4. Section 37 of Presidential Decree No. 463, as amended by Section 8 of Presidential Decree No. 1677, is further amended to read as follows:

"SEC. 37. Program of Work.—A claimowner shall, upon the filing of an application for mining lease, undertake exploration, development and/or mining activities thereon in accordance with the approved program of work: Provided, That within the period of FIVE (5) YEARS, reckoned from the date of the grant of the lease contract thereon, the mining area shall be placed in actual commercial production: And provided, further. That failure to do so within the period aforesaid shall constitute automatic abandonment of the mining- claims.

The program of work shall be for a period of FIVE (5) YEARS, and the claimowner shall, at the start of every calendar year and during the existence of the mining lease, submit to the Bureau of Mines and Geo-Sciences for the approval of the Director an annual work program describing in detail the kind and nature of mining activities to be undertaken thereon for that particular year. Any deviation from, the approved work program shall be with the approval of the Director.

Holders of existing mining leases shall submit a revised, or updated program within six (6) months from the date of approval of this Decree.

The Regulations shall prescribe in detail the contents of the work program."

SEC. 5. Section 60 of Presidential Decree No. 463, is amended to read as follows:

"SEC. 60. Employment of Filipinos.—Lessees under this Decree are obligated to give preference to Philippine citizens in all types of milling employment within the country, insofar as such citizens are qualified to perform the corresponding work with reasonable efficiency and without hazard to the safety of the operations; and are obligated likewise to maintain effective programs of training and advancement commensurate with the demonstrated abilities of such citizens to perform satisfactorily the various types of operations involved. The lessee, however, shall not be hindered from using employees of his own selection, subject to the provisions of Commonwealth Act Numbered Six Hundred Thirteen, as amended, for technical and specialized work which, in his judgment and with the approval of the Director, requires highly specialized training or long experience in exploration, development or exploitation of the mining claim: Provided, That in no case shall each employment exceed five (5) years: Provided, further. That no foreigner shall be employed as mine manager, vice-president for operations or equivalent managerial position, in charge of milling, quarrying or drilling operation without passing the appropriate or pertinent government licensing examination or unless in special cases permitted by the Director for a period not exceeding three (3) years without prejudice to other applicable special laws."

SEC. 6. All laws, decrees, executive orders, rules and regulations which are in conflict or inconsistent with this

Decree are hereby amended, modified or repealed accordingly.

SEC. 7. This Decree shall take effect immediately.

Done in the City of Manila, this 7th day of February in the year of Our Lord, nineteen hundred and eighty-four.

(Sgd.) FERDINAND E. MARCOS
President
Republic of the Philippines

By the President:

(Sgd.) JOAQUIN T. VENUS, JR.
Deputy and Presidential Executive

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