

DECLARING AREAS CONTAINING RADIOACTIVE MINERALS OPEN TO MINING LOCATION AND DISPOSITION

PRESIDENTIAL DECREE NO. 1101, February 28, 1977

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WHEREAS, radioactive minerals containing uranium, thorium and other elements are strategic minerals needed for the development of nuclear power and other critical uses;

WHEREAS, the critical shortage of petroleum and other sources of power and fuel for the security of the State and heightened the importance and necessity of finding radioactive minerals in the country;

WHEREAS, the existence and disposition of radioactive minerals in the Philippines has to-date been merely indicated but not proven in a few areas in the Philippines; and

WHEREAS, it is necessary that all areas containing radioactive mineral resources can be explored and developed for purposes aforesated;

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

SECTION 1. Radioactive minerals are those which contain uranium, thorium and other elements occurring singly or in association with other minerals from which radioactive power and substances may be generated or produced.

SECTION 2. Areas containing radioactive minerals are open to mining location, registration, exploration, development and exploitation, and those who have discovered radioactive minerals and registered the same with the Bureau of Mines and verified by the Director of Mines to be existing in sufficiently exploitable quantity shall be entitled to a bonus of not less than P10,000.

SECTION 3. The discovery, location, registration, exploration and exploitation of mineral deposits under existing mining laws and decrees shall include the right to radioactive minerals that may be found within the mining claim or area located, leased or acquired, subject to the provisions of Section 2 hereof.

SECTION 4. The lessees/operators of areas containing radioactive minerals may process, manufacture or refine the said radioactive minerals: Provided, That the products derived therefrom shall be sold or disposed of only to the Government at prevailing international price, or the lessee/operator thereof shall be reimbursed of all costs of production plus a certain percentage as a margin of profit as recommended by the Secretary of Natural Resources and approved by the President of the Philippines.

SECTION 5. Lessees/operators who cannot process, manufacture or refine radioactive minerals and extract products therefrom shall segregate the ores containing said radioactive elements and stockpile the same in areas designated by the Government, and said lessees/operators shall be paid by the Government not more than thirty per centum (30%) of the price of said recoverable radioactive minerals and also not more than thirty per centum (30%) of the price of other recoverable metals upon delivery, and the balance, if any, to be paid after the sale of the recovered products less charges and costs incurred in milling, transporting and marketing thereof, and the taxes and other expenses due thereon.

SECTION 6. The lessees/operators mentioned in Sections 4 and 5 hereof shall be entitled to benefits and/or incentives such as, but not limited to, accelerated depreciation of equipment, foreign loans and contracts, preference in grant of Government loans, tax exemption on imported capital equipment, tax credit on domestic capital equipment, net operating loss carry over, and exemption from the payment of all taxes except income tax in so far as radioactive minerals are concerned, for the period provided under Presidential Decree no. 463: Provided, that the taxable income derived from the proceeds of the operations of radioactive minerals shall be reduced by twenty per centum (20%) if such amount so deducted shall be channelled for the exploration and exploitation of said radioactive minerals.

SECTION 7. Lessees/operators shall include in their exploration program surveys for radioactive minerals within their leased premises, and that findings shall be included in their reports submitted to the Director of Mines.

SECTION 8. Presidential Decree No. 647 is hereby repealed; and all laws, decrees, orders, rules and regulations or parts thereof inconsistent with this decree are repealed or modified accordingly.

SECTION 9. This Decree shall take effect immediately.

DONE in the City of Manila, this 28th day of February, in the year of Our Lord, Nineteen Hundred and Seventy-Seven.

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

By the President:

(Sgd.) JACOBO C. CLAVE
Presidential Executive Assistant

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