

INSURING THE CONTINUITY OF MINING OPERATIONS OVER CONFLICTING AREAS AND DEPOSITING THE PROFITS, SHARES OR PROCEEDS REALIZED THEREFROM WITH THE BUREAU OF MINES

PRESIDENTIAL DECREE NO. 1100, February 28, 1977

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WHEREAS, the existence of mining conflicts has not only resulted in the delay of mining operations but has deprived the legitimate or bona fide claim owners of the profits arising therefrom;

WHEREAS, mining conflicts should not be deterrents to the continuity of mining operations in the interest of the legitimate or bona fide claim owners and for the good of the national economy; and

WHEREAS, to place conflicting areas into mining operations would be in keeping with the government pronouncement to hasten and encourage the exploration, development and exploitation of the mineral resources of the country.

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 the following:

SECTION 1. Conditioned upon compliance with all the obligations and requirements provided in Presidential Decree No. 463 and the implementing regulations, and the posting of the surety bond in the amount to be determined by the Director of Mines, based on the expected profits realizable from the area, a mines/quarry temporary permit covering metallic or nonmetallic ores/quarry resources shall be issued to a mining claimant who first registered his mining claim with the Mining Recorder/Mines Regional Officer concerned, despite the pendency of the case filed with the Bureau of Mines and any defect in form or technicality thereon notwithstanding.

SECTION 2. The pendency of an appeal with the authorities concerned notwithstanding, the party-litigant in whose favor a decision was rendered by the Director of Mines or the Secretary of Natural Resources, may:

- (a) On his own or through a financially capable and technically competent mining operator, enter the mining claims subject of the appeal and conduct exploration, development and exploitation activities on the area covered thereby within three months from the date of the operating agreement, if the said mining claims are not yet under operation;
- (b) Allow the said mining operator to enter into similar agreement with any or all of the other parties to the case concerning their respective claims or rights over the property subject of the conflict, in case the said mining claims are actually being operated; and
- (c) Subject to the prior approval of the President, upon recommendation of the Secretary of Natural Resources and favorably indorsed by the Director of Mines, undertake the operation of such property, directly or indirectly, through a qualified service contractor.

SECTION 3. In all cases above-mentioned, and for the protection of the parties who may be adversely affected by any order or decision of the Director of Mines or a reversal thereof upon appeal, an amount to be determined by

the Director of Mines, which shall not be less than two percent (2%) of the gross value of minerals extracted and disposed of from the conflicting area, shall be deposited in escrow with the Bureau of Mines, to be awarded to the prevailing party-litigant. The permittee/operator shall submit to the Director of Mines all reports, under oath, which shall include, but not be limited to, operating expenses, production reports and sales of the minerals extracted from the mining property under litigation.

SECTION 4. Any provision of any law, decree, rules and regulations inconsistent herewith or contrary hereto are hereby repealed.

SECTION 5. 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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