

ESTABLISHING RULES AND PROCEDURES FOR THE SPEEDY DISPOSITION OR SETTLEMENT OF CONFLICTING MINING CLAIMS

PRESIDENTIAL DECREE NO. 309, October 10, 1973

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WHEREAS, efforts of the Government to encourage and accelerate the development of our mineral resources have been hampered by difficulties and delays in the settlement of conflicting mining claims because of obsolete laws, rules and regulations;

WHEREAS, in order to hasten the exploitation and development of our mineral resources conflicting mining claims must be settled promptly and decisively; and

WHEREAS, in order to achieve this it is deemed necessary to update and amend these laws, rules and regulations;

NOW, THEREFORE, I, FERDINAND E. MARCOS, President of the Philippines, by virtue of the powers in me vested by the Constitution as Commander-in-Chief of all the Armed Forces of the Philippines, and pursuant to Proclamation No. 1081, dated September 21, 1972, and General Order No. 1, dated September 22, 1972, as amended, do hereby order and decree, as part of the law of the land, the following:

SECTION 1. There shall be created a panel of investigators composed of three lawyers, whom I shall appoint upon the recommendation of the Director of Mines, to investigate and make reports and recommendations concerning conflicting or adverse claims, protests or other kinds of opposition involving mining claims, rights, leases or permits.

SEC. 2. The hearing of such conflicts shall be conducted within one (1) week after issues are joined. The investigation shall be summary in nature, if possible to be finished within one sitting. The reports and recommendations of the investigators shall be submitted to the Director of Mines within five (5) days from the termination of the investigation, and the Director shall decide the case within five (5) days from the submission of such report.

SEC. 3. All claimants to any mines subject of litigation now pending with the Bureau of Mines, Department of Agriculture and Natural Resources and Office of the President or before any judicial tribunal shall be given a period of fifteen (15) days after one publication in any daily newspaper of general circulation throughout the Philippines of these amendments to Letter of Instruction 119, dated August 25, 1973, and of the list of litigations, conflicts, claims or any case whatsoever involving right to possession, lease, exploration, exploitation of any mining claims in any part of the Philippines to file an adverse claim of any nature whatsoever with the Bureau of Mines.

For the purpose of expediting the exploration and exploitation of our mineral resources, the proceedings above-described will be so conducted so that the case so heard by the Director of Mines and/or through the Panel of Investigators shall be a final adjudication of rights over mining claim or claims subject of litigations and conflicts including the exploration and exploitation thereof.

No judicial conflict directly or indirectly involving the mining claims the subject of this Decree shall in any

manner suspend, prejudice, or adversely affect the continuation of the possession, exploration or exploitation of the mining claim by the party in whose favor such possession, exploration or exploitation has been awarded by the Bureau of Mines or the Department of Agriculture and Natural Resources or the Office of the President: Provided, however, That the rules and regulations embodied in Mines Administrative Order No. 50 pertaining to the deposit in escrow of the prescribed percentage of the proceeds of the gross sales of the production of the mining claims for the protection of the interests of the party to whom the mining claim is ultimately and finally awarded, shall be complied with.

SEC. 4. There shall likewise be created a panel of investigators in the Department of Agriculture and Natural Resources, similarly to be appointed by me upon the recommendation of the Secretary, where further investigation may be deemed warranted in connection with appeals from decisions or orders of the Director of Mines involving claims or rights, subject to the same requirements and limitations applicable to the panel of investigators in the Bureau of Mines.

SEC. 5. Any party not satisfied with the decision or order of the Director of Mines may, within five (5) days from receipt thereof, appeal to the Secretary of Agriculture and Natural Resources who shall render his decision within five (5) days from receipt of the appeal or submission of the report of the Department panel of investigators, as the case may be. From the decision of the Secretary, an appeal may be taken within five (5) days to the President whose decision shall be final and executory.

The decision of the Director of Mines shall be immediately executory notwithstanding the appeal, unless the Secretary of Agriculture and Natural Resources or the President directs otherwise.

SEC. 6. The members of the panel of investigators shall, as much as possible, be relieved of their ordinary duties in the course of the investigation and preparation of their report.

SEC. 7. The Secretary of Agriculture and Natural Resources, upon the recommendation of the Director of Mines, shall issue the necessary rules and regulations to implement and render more effective this Decree.

SEC. 8. All provisions of existing laws, orders, rules and regulations, or parts thereof, in conflict or inconsistent herewith are hereby repealed or modified accordingly.

SEC. 9. This Decree shall take effect immediately.

Done in the City of Manila, this 10th day of October, in the year of Our Lord, nineteen hundred and seventy-three.

(Sgd.) FERDINAND E. MARCOS

President

Republic of the Philippines

By the President:

(Sgd.) ROBERTO V. REYES

Acting Executive Secretary

In order to facilitate the implementation of Presidential Decree No. 309, the following were issued:

By the Office of the President — Letter of Instruction No, 135; and

By the Bureau of Mines — Mines Administrative Order No, V-49 (Adm.), dated January 15, 1974, on the summary investigation of conflicts in mining claims.

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