

[**PRESIDENTIAL DECREE NO. 1281, January 16, 1978**]

REVISING COMMONWEALTH ACT NO. 136, CREATING THE BUREAU OF MINES, AND FOR OTHER PURPOSES.

WHEREAS, the development of our mineral resources as a primary source of foreign exchange and as a means for industrial progress has to be maximized for the good of the national economy;

WHEREAS, the Bureau of Mines which is charged with the administration and disposition of the mineral resources of the country is of pre-war vintage, having been legally created on November 7, 1936 under Commonwealth Act No. 136;

WHEREAS, the revision of the aforesaid Act would make the said agency a more potent and effective arm of the Government in the administration and disposition of our mineral resources and responsive to the needs of the Filipino people, in general, and the mining industry, in particular;

WHEREAS, it is desirable and imperative to clothe said agency with adequate powers to enable it to vigorously implement Presidential Decree No. 463, otherwise known as the "Mineral Resources Development Decree of 1974"; and

WHEREAS, the revision of Commonwealth Act No. 136 would invest in the Bureau of Mines such functions, powers and duties consistent with changing situations and existing conditions;

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

SECTION 1. The administrative supervision of the Bureau of Mines shall remain vested in the Department of Natural Resources pursuant to Presidential Decree No. 461 dated May 17, 1974.

SEC. 2. The Bureau of Mines shall be headed by a Director and an Assistant Director, both of whom shall be appointed by the President.

No person shall be appointed Director or Assistant Director of the Bureau of Mines unless he is a natural-born citizen of the Philippines, at least 30 years of age, and shall be of recognized competence particularly in the fields of mining engineering, geology, metallurgy, management, law or economics.

SEC. 3. The Bureau of Mines shall have the following powers and functions, to wit:

- a. Have direct charge in the administration and disposition of the mineral lands and mineral resources of the country;
- b. To grant, or recommend to the Secretary of Natural Resources the granting of, mining to duly qualified persons;
- c. To issue subpoena and summon witnesses to appear in any proceedings before the Panel of Investigators created by Presidential Decree No. 309 and Letter of Instructions Nos. 119 and 135 or in special committees created by the Director of Mines, and in appropriate cases, punish said witnesses for contempt, direct or indirect, in accordance with pertinent provisions of the Rules of Court;

- d. To impose fines and/or penalties for violations of the provisions of Presidential Decree No. 463 or any other laws being, implemented by the Bureau of Mines, the rules and regulations promulgated thereunder, its orders, decisions and rulings;
- e. To confiscate surety, performance, and guaranty bonds posted with the Bureau of Mines after due notice and hearing in an order to be promulgated by the Director of Mines;
- f. To arrest or order the arrest, even without warrant, of any person who has committed or is in the act of committing any of the offenses defined under Presidential Decree No. 463, or any other laws being implemented by the Bureau of Mines, and seize and confiscate or order the seizure and confiscation, in favor of the Government, of the tools and equipment used in the commission of the offense and the minerals extracted by the offender, and institute whatever action that may be necessary relative thereto;
- g. To deputize, when necessary, any member or unit of the PC, police agency, barangay or any qualified person to police all mining activities;
- h. To require claim holders/operators as part of their mining activities to keep in their office complete set of books of accounts showing all receipts and expenditures, the source of such receipts, and the object of such expenditures, and assign authorized representatives of the Bureau of Mines to inspect such books of accounts;
- i. To require claim holders/operators to submit to the Bureau of Mines a semi-annual report verified under oath containing: an itemized account or balance sheet for the previous semester, embracing a full and complete statement of all disbursements, and receipts, showing from what sources such receipts were derived, and to whom and for what object or purpose such disbursements or payments were made; all indebtedness or liabilities incurred, or existing at the time, and for what the same were incurred, and the balance of money, if any, on hand; a statement showing the number of men employed, and for what purpose and the rate of wages paid to each; a full and complete statement of the work done in said mine, and amount of ore extracted, from what part of mine taken, the amount sent to mill for production, output of the mill, and its assay value. Every claim holder/operator shall likewise keep in its office, a full report, under oath, of all discoveries of ores made in said mine, whether by boring, drifting, sinking, or otherwise together with the assay value thereof. All discounts, reports, and correspondence from the superintendent of operations must be kept in the office of every claim holder/operator, and a copy of all said accounts, reports and correspondence shall be filed with, and shall be subject to verification by, the Director of Mines;
- j. To conduct or undertake geological, mining, metallurgical, chemical, and other researches and prepare reports thereon; and to provide laboratory and technical services to the general public;
- k. To conduct geological and geophysical surveys of the Philippines and its territorial waters, and to prepare reports and maps therefor;
- l. To conduct other kinds of surveys of all mineralized areas, and inventory of the mineral resources, of the Philippines and prepare reports, boundary plans and maps therefor;
- m. To disseminate information concerning the administration and disposition of mineral lands, mining operations, utilization of minerals, mineral economics, geological and other surveys, researches, and such other activities of the Bureau of Mines through appropriate reports, bulletins and circulars, and to conduct rural mineral education;