

[PRESIDENTIAL DECREE NO. 512, July 19, 1974]

DECLARING PROSPECTING AND OTHER MINING OPERATIONS OF PUBLIC USE AND BENEFIT AND ESTABLISHING THE BASIS AND PRESCRIBING THE RULES AND PROCEDURES RELATIVE TO ACQUISITION AND USE OF SURFACE RIGHT IN MINERAL PROSPECTING, DEVELOPMENT AND EXPLOITATION, AND PROVIDING PROTECTION AND COMPENSATION TO SURFACE OWNERS.

WHEREAS, the total efforts being exerted by the Government to encourage and accelerate the development of our mineral resources is sometimes snagged or hampered by the difficulties and delays in securing surface rights under existing laws and regulations for the entry into private lands for purposes of prospecting, location, exploration, development and exploitation of mining claims, due to the frequent and, at times, unreasonable objections on the part of owners and occupants of private lands;

WHEREAS, it is desirable that there should be incentives and encouragement given to surface right owners and occupants to grant the necessary entry permit for mineral prospecting, location, exploration, development, and exploitation; and

WHEREAS, in order to achieve full and accelerated mineral resources development and to provide necessary protection to private land owners and occupants, a new system of surface rights acquisition and use by mining prospectors and claimants has to be provided.

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 part of the law of the land the following:

SECTION 1. Mineral prospecting, location, exploration, development and exploitation is hereby declared of public use and benefit, and for which the power of eminent domain may be invoked and exercised for the entry, acquisition and use of private lands: *Provided*, That any person or entity acquiring any option or right on such land after the first publication of the notice of any mining lease covering such land shall not be entitled to the compensation herein provided.

SEC. 2. Subject to prior notification, prospectors or claimants of mineral lands shall not be prevented from entry into private lands by surface owners and occupants when prospecting or exploring therein: *Provided*, That any damage done to the property of the surface owner shall be properly compensated: *Provided, further*, That to guarantee such compensation to the surface owner, the prospector or claimowner shall post a bond with the Bureau of Mines in an amount to be fixed by the Director of Mines based on the type of property and the prevailing price of lands in the area where prospecting and other mining activities are to be conducted and with surety or sureties satisfactory to the Director of Mines. The decision of the Director of Mines may be appealed within five (5) days from receipt thereof to the Secretary of Natural Resources, whose decision shall be final.

SEC. 3. The owner of a titled property within which mineral development or exploitation is undertaken shall be entitled to at least one-third (1/3) of the total