

[Commonwealth Act No. 309, June 09, 1938]

AN ACT TO AMEND SECTIONS SIXTY-TWO AND SIXTY-EIGHT OF COMMONWEALTH ACT NUMBERED ONE HUNDRED AND THIRTY-SEVEN, KNOWN AS THE "MINING ACT."

Be it enacted by the National Assembly of the Philippines:

SECTION 1. Sections sixty-two and sixty-eight of Commonwealth Act Numbered One hundred and thirty-seven are amended so as to read as follows:

"SEC 62. Any qualified person making a valid location of a mining claim or claims, his successors, and assigns, acquires thereby the right of exploration and occupation from the date of the registry of the claims' in the office of the mining recorder; and if he applies for lease of said claim or claims and his application appears to be *prima facie* well founded, subject to the rules and regulations that the Secretary of Agriculture and Commerce may prescribe, he shall be entitled, before the lease is granted as provided in this Act, to a temporary permit to be issued by the Secretary of Agriculture and Commerce within forty-five days from the date application for such permit is filed, to mine and extract minerals from said claim or claims for commercial purposes, subject, however, to the payment of royalties provided in this Act for claims covered by lease: *Provided, however,* That the holders of mining claims located under the Act of Congress of July first, nineteen hundred and two, as amended, who may be required to apply for a lease or leases thereon under the provisions of section sixty-eight hereof, as amended, subject to the rules and regulations that the Secretary of Agriculture and Commerce may prescribe, may extract minerals therefrom for commercial purposes without such temporary permit until such time as their applications for such leases are passed upon, subject, however, to the payment of royalties provided in this Act for claims covered by leases: *Provided,* finally, That the Secretary of Agriculture and Commerce may at any time cancel for violation of laws and regulations and after due hearings the temporary permit mentioned in this provision and in the case of unpatented mining claims located under the Act of Congress of July first, nineteen hundred and two, as amended, stop the extraction of minerals therefrom for commercial purposes, without any responsibility on the part of the Government as to expenditures for development works or exploitation purposes that might have been incurred by the applicants, pending the determination of their applications for lease.

"SEC. 68. Application for a lease on a mining claim shall be filed within four years from the date of the recording of the claim in the office of the mining recorder or within four years from the date of approval of this Act. Failure to file such application within the period above mentioned shall be deemed an abandonment of the mining claim, and the land embraced within such claim shall thereupon be open to relocation in the same manner as if no location of the same had ever been made: *Provided,* That the original locator, his heirs, or his assigns, who has or have thus failed to file a lease application on the claim shall not be entitled to