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DENR ADMINISTRATIVE ORDER
No. 2007 - 34 :

DEC 10 2007

SUBJECT : Guidelines on Treasure Hunting in Caves

Pursuant to Section 14 of the National Caves and Cave Resources Management and Protection Act (Republic Act No. 9072) and Sections 12, 13, 14 and 15 of its Implementing Rules and Regulations, the following guidelines is adopted for treasure hunting activities in caves:

Section 1. Declaration of Policy. The State shall have full control and supervision in the discovery, recovery, disposition of hidden treasures in caves in order to ensure the conservation, protection and management of the natural wealth and heritage of the country, rehabilitation of disturbed areas, and preservation of important cultural properties.

Section 2. Objectives. This guidelines aims to provide procedure and measures in the issuance of permits for treasure hunting activities in caves within public domain and private lands.

Section 3. Scope and Coverage. This covers the treasure hunting permit application for areas that are located in caves within public domain and private lands. It shall govern the issuance of treasure hunting permit for the collections of hidden treasures.

The following shall not be covered by this guidelines:

1. Caves with cultural, paleontological, archaeological and historical values embodying the cultural and natural heritage of the Filipino nation, as determined and declared by the National Museum, shall be governed by Republic Act No. 8492 (National Museum Act of 1998) and its implementing rules and regulations.
2. Caves within ancestral lands/domain shall be subject to Republic Act No. 8371 (Indigenous People Rights Act).
3. Significant caves.

Section 4. Definition of Terms. As used in this guideline, the following terms shall mean:

Area clearance – refers to a clearance issued by the concerned agency/ies allowing an applicant to conduct treasure hunting as shown in the submitted technical and environmental work programs.

Cave – refers to any naturally occurring void, recess or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit an individual to enter, whether or not the entrance, located either in private or public land, is naturally formed or man-made. It shall include any natural pit, sinkhole or other feature which is an extension of the entrance. The term also includes cave resources therein, but not any vug, mine tunnel, aqueduct or other man-made excavation.

Cave Resources – includes any material or substance occurring naturally in caves, such as animal life, plant life, including paleontological and archeological deposits, cultural artifacts or products of human activities, sediments, minerals, speleogems and speleothems.

Cave System – refers to a collection of caves interconnected by enterable passages or linked hydrologically or a cave with an extensive complex of chambers and passages.

Environmental Compliance Certificate (ECC) –refers to a document issued by the DENR/EMB after a positive review of an ECC application, certifying that based on the representations of the proponent, the proposed project or undertaking will not cause significant negative environmental impact. The ECC also certifies that the proponent has complied with all the requirements of the EIS System and has committed to implement its approved Environmental Management Plan. The ECC contains specific measures and conditions that the project proponent has to undertake before and during the project's abandonment phase to mitigate identified environmental impacts.

Environmental Impact Assessment (EIA) – refers to a process of predicting the likely environmental consequences of implementing a project or undertaking and designing appropriate preventive, mitigating and enhancement measures.

Environmental Work Program (EWP) – refers to a comprehensive and strategic management plan to achieve the environmental objectives, criteria and commitments including protection and rehabilitation of the disturbed environment during and after the treasure hunting or shipwrecked/sunken vessel discovery.

Hidden Treasure – refers to any hidden and unknown deposit of mineral products, money, jewelry, or other precious objects, the lawful ownership of which does not appear.

NRDC – refers to the Natural Resources Development Corporation, a corporate body duly recognized and existing under and by the virtue of Executive Order No. 786.

Oversight Committee – refers to the body created pursuant to DAO 2002-04, composed of the Secretary or his duly authorized representatives as the chairperson, technical officer from MGB, National Museum, National Historical Institute, National Intelligence Coordinating Agency, Central Bank and the permit holder or his/her representative, as members. However, for purposes of this Order, the chairperson of the National Cave Committee shall be included as a member.

Permit – refers to the Permit issued for Treasure Hunting

Permit Holder – refers to a holder of a permit for Treasure Hunting

Private Land – refers to titled land belonging to any private person or entity which includes alienable and disposable land being claimed by a holder, claimant or occupant who has already acquired a vested right thereto under the law, although the corresponding certificate or evidence of title or patent has not been actually issued.

Relics – refers to objects possessing cultural properties which, either as a whole or in fragments, are left behind after the destruction or decay of the rest of its parts and which are intimately associated with important beliefs, practices, customs and traditions, periods and personages.

Secretary – means the Secretary of the Department of Environment and Natural Resources (DENR)

Site – refers to the actual ground location of diggings and excavations.

Significant Caves – refers to a cave which contain materials or possesses features that have archeological, cultural, ecological, historical or scientific value as determined by the DENR in coordination with the scientific community and academe.

Technical Work Program – refers to a detailed outline of activities and financial plan to be followed in the treasure hunting.

Treasure Hunting – refers to any and all inland activities such as but not limited to locating, digging or excavating, securing, transporting and disposition of recovered treasures.

Section 5. Qualification of Applicants. The following may apply for a Treasure Hunting Permit in caves:

- 5.1 individual – must be a Filipino citizen, of legal age, with capacity to enter into contract and capable of conducting treasure hunting activities
- 5.2 partnership, association, cooperatives or corporation – must be organized or authorized for the purpose of engaging in treasure hunting in caves, duly registered in accordance with law, and with technical and financial capability to undertake treasure hunting activities

Section 6. Filing of Application. All applications for treasure hunting in caves shall be made under oath and shall be filed with the Mines and Geosciences Bureau (MGB) Regional Offices concerned and shall be on a “first come first served” basis. A non-refundable application fee in the amount of Ten Thousand pesos (PhP 10,000) shall be paid.

The MGB Regional Office shall conduct initial site verification to determine whether the area applied for is within cave or cave system.

Section 7. Application Requirements. All applications shall be accompanied by the following and shall not be processed unless complete:

7.1 Specific

7.1.1 For individuals, accomplished prescribed Personal Information Sheet and all listed requirements in item 7.2.

7.1.2 For partnerships, associations, cooperatives or corporations

7.1.2.1 Certified true copy of Certificate of Registration issued by the Securities and Exchange Commission, Cooperative Development Authorities or government agency concerned

7.1.2.2 Certified true copy of Articles of Incorporation/ Partnership/Association/Constitution and By-laws; and all listed requirements in item 7.2.

7.1.2.3 Evidence of track record of the company

7.2 General (required for all applicants)

7.2.1 Administrative

- 7.2.1.1 The Consent of landowner(s) concerned, when the activities are bound to affect private lands or consent of the government agency concerned, when the activities affect government buildings, dams, watersheds and other areas or sites reserved or used for purposes affecting vital national interest, military or naval camps, bases and reservations, shrines and other hallowed places; or consent of concessionaires when the permit area affects aquaculture or fishery projects or beach/ marine recreational areas, if applicable.
- 7.2.1.2 Area clearance from Government agency and LGU concerned, when the activities affect public land .
- 7.2.1.3 Certified true copy of Joint Venture Agreement(s), if any; and,
- 7.2.1.4 For protected areas, Protected Area Management Board (PAMB) clearance is also required.
- 7.2.1.5 Clearance from holders of valid tenurial instruments such as Timber License Agreements, Industrial Forest Management Agreements, Community Based Forest Management Agreements, Protected Area Community Based Resource Management Agreement, Mineral Production Sharing Agreements.

7.2.2 Technical

- 7.2.2.1 Technical description of the site expressed in terms of latitude and longitude or UTM coordinates, accompanied by a vicinity and location map duly prepared and certified by a licensed Geodetic Engineer:
- 7.2.2.2. Technical Work Program, including appropriate technology, manpower, equipment and cost estimates;
- 7.2.2.3. Environmental Work Program, including the nature and extent of predicted damages to the environment, if any and the proposed restoration/rehabilitation program and budgetary requirements. This shall be the basis for the assessment of the required surety bond for the restoration/rehabilitation works; Monitoring fund shall likewise be included in the EWP.

7.2.2.4. Certificate of Non Coverage (CNC) if outside Environmentally Critical Area (ECA), or Environmental Compliance Certificate (ECC) if within ECA/NIPAS area; and,

7.2.2.5 Curriculum Vitae of technical person/s who shall undertake the Technical and Environmental Work Programs

7.2.3 Financial

7.2.3.1 Latest income/corporate tax return, if applicable

7.2.3.2 Certified true copies of latest audited financial statements, if applicable; and

7.2.3.3 Bank guarantees/references, credit lines, cash deposits, and other proofs or evidence of the sources of funding

Section 8. Procedural Guidelines

8.1 Evaluation and Verification. Treasure hunting applications found on caves or cave system, as per sworn declaration of the applicant and/or the result of the initial field verification of the MGB-Regional Office. It shall be endorsed by the MGB-RD to the Regional Cave Committee (RCC) as created by DAO 2003-29, for evaluation/verification, copy furnished the Protected Areas and Wildlife Bureau (PAWB) for coordination, database and monitoring purposes.

For purposes of this guidelines, the RCC shall be composed of the following:

Chairperson :	Regional Director- Mines and Geosciences Bureau
Co-Chair :	Regional Technical Director - Protected Area, Wildlife and Coastal Zone Management Service (PAWCZMS)
Member :	Regional Director – EMB, and representatives from National Museum, National Historical Institute, Department of Tourism, Local Government Unit concerned, Academe, Non-Government Organization, and Community Environment and Natural Resources Office (CENRO)

Endorsement to the RCC shall include the submitted location map, Technical Work Program, Environmental Work Program, and other pertinent information relative to the proposed treasure hunting activity.

Cave or a cave system that has undergone assessment and classification procedure based on DMC 2007-04, and found to be outside items 1-4 of Section

3 shall be granted an area status and clearance by the RCC for final processing of the MGB – Regional Office concerned.

Caves not yet assessed and classified, shall be subject to assessment and/or clearance of RCC. The corresponding field verification fee of Two Thousand Pesos (PhP 2,000.00) per person per day as provided by DAO 2005-08 (Providing for new fees and charges for various services of the MGB) shall be paid by the applicant to the NRDC thru MGB Regional Office as provided in Section 14 hereof. Transportation and necessary supplies and materials (e.g. films, service and processing) shall also be borne by the applicant.

8.2 Final Evaluation and Approval. Upon completion of the assessment and issuance of area clearance by the RCC Sub-Committee, including the amount of surety bond to be posted by the Applicant, the application shall be endorsed for review and processing by the MGB-Regional Office.

All evaluated applications shall be endorsed by the MGB – Regional Director to the Regional Executive Director for approval/denial.

The RED shall submit to the Secretary thru the MGB-Director, copy furnished the MGB-RD concerned, a copy of each of the Treasure Hunting Permits issued, including all mandatory and other requirements, within seven (7) days after the date of the issuance.

A flowchart for THP application, review and approval processes is presented as Annex 1.

Section 9. Posting of Bond. A one (1) year surety bond shall be posted by the applicant with the Government Service Insurance System (GSIS) or any accredited bonding company, upon approval but before the release of the Treasure Hunting Permit to answer for and guarantee payment for whatever actual damages that maybe incurred during locating, digging and excavation activities.

Section 10. Payment of Rehabilitation fee. The RCC shall recommend to the approving authority concerned, as identified in Section 8 hereof, the amount of rehabilitation fee that must be posted by the treasure hunting applicant following the criteria set by the National Cave Committee and/or the PAMB, if the cave is in a protected area.

The Rehabilitation fee is intended as a guarantee payment for disasters or adverse impacts and concerned communities, mitigation, rehabilitation and/or maintenance of the disturbance of the subject cave area caused by treasure hunting activities.

Section 11. Monitoring. To ensure compliance by the permit holder with the submitted Technical Work Program, Environmental Work Program, Terms and Conditions of Treasure Hunting Permit, area and status clearance, ECC/CNC, the RCC/PAMB shall monitor the treasure hunting activities. The RCC/PAMB may take the place of the multi-sectoral monitoring team required under the Environmental Impact Assessment System and shall also be responsible for the monitoring of collection and removal of treasures including surety bond posted by the applicants.

Section 12. Valuation and Disposition of Recovered Treasures. Upon discovery of the hidden treasures, the National Museum shall be called upon to determine whether or not they are considered to have cultural and/or historical values. In the event that the items are considered to have historical and/or cultural value, it shall be turned over to the National Museum as provided under Section 21 of the National Museum Act. Otherwise they shall be turned over to the Oversight Committee for treasure hunting as defined in Section 4 and of this Order for valuation and disposition and subject to sharing scheme as provided in Section 14.

Treasures recovered may be allowed for export only upon the approval of the National Museum and other Government Agencies concerned. The NRDC may also be commissioned in the disposition of the recovered treasures that have no cultural and/or historical values.

Section 13. Responsibilities of the Oversight Committee. The Oversight Committee shall oversee all the diggings, excavations and/or recoveries; and to take possession for valuation and eventual disposition of all monies, things and articles without historical and cultural values.

Section 14. Sharing. After an audited report of expenses has been evaluated and approved by the Oversight Committee, the sharing of the net proceeds as provided in DAO 2004-33, shall be as follows:

- 14.1 treasures recovered within public land – seventy five percent (75%) to the Government (inclusive of the LGU share)/IPAF, and twenty-five (25%) to the permit holder.
- 14.2 treasures recovered in caves within private lands -- thirty percent (30%) to the Government and seventy percent (70%) to be shared by the permit holder and landowner.

Section 15. Funds Utilization Scheme – In order to ensure efficient and transparent utilization of the verification fee, logistical support fund paid by the applicant and rehabilitation fund, the NRDC is hereby assigned as the Fund Manager. As Fund Manager, NRDC shall be entitled to a management fee to

cover its overhead and administrative cost. The NRDC and MGB/DENR shall come up with a Memorandum of Understanding to institute and formalize the operational guidelines for this fund management system within thirty (30) days from the issuance of this Order.

Section 16. Government Rights. All intellectual property rights arising from the documentation or recording of the discovery, recovery and other activities pertaining to the treasure hunting in caves by means of still photography, film, video or other forms of electronic media, publication of the images generated thereby and other forms of reproduction or dissemination of the same belong to the Government and shall be governed by appropriate laws, rules and regulations.

Section 17. Confidentiality of Information. All information submitted by the applicants in support of their applications and other data supplied by the permit holder shall be treated as confidential by the Government from the time they are submitted/supplied to the MGB, Department and/or Oversight Committee up to a period of two (2) years from the expiration of the permit.

Section 18. Rehabilitation. Rehabilitation of disturbed areas shall be monitored in accordance with the approved ECC and the permit itself. In cases of forfeiture, both the rehabilitation fee and the posted bond shall be used to rehabilitate the area and shall not be limited to rehabilitation activities but may include repair and maintenance of adjacent areas.

Section 19. Terms and Conditions. The Permit shall have a maximum term of one (1) year renewable once for the same period and shall contain the following terms and conditions:

- 19.1 The permit for treasure hunting in caves shall be for the exclusive use and benefit of the Permit Holder and shall not be transferred or assigned, except in case of death or total incapacitation of individual permit holder where succession would only be to next of kin and only for the unexpired portion of the permit.
- 19.2 The permit area may be inspected and examined at any time by the RCC/PAMB.
- 19.3 The boundaries of the permit area for treasure hunting in caves shall be properly marked.
- 19.4 The permit holder shall commence activities within three (3) months from the issuance of the permit, otherwise the permit shall be cancelled.

- 19.5 The permit holder shall submit a quarterly activity report detailing thereon the accomplishment/progress of work as per submitted and approved Technical Work and Environmental Work Programs including rehabilitation scheme, not later than ten (10) days after the end of each quarter.
- 19.6 The permit holder shall immediately formally notify in writing the nearest DENR/MGB Office within 24 hours upon discovery of valuable items in the area covered by the permit. Failure to notify the DENR/MGB within the required period shall render the collection and/or gathering as illegal and shall constitute as a violation of paragraph (b) Section 7 of RA 9072.
- 19.7 The permit holder shall assume full responsibility and be liable for damages that may be occasioned by its operation under the Permit.

Section 20. Termination and Cancellation of the Permit. The grounds for the termination or cancellation of the Permit shall be as follows:

- 20.1 Failure of the TH permit holder to comply with the terms and conditions of the Permit
- 20.2 Violation of any of the provisions of RA No. 9072 and applicable environment and natural resources laws, rules and regulations
- 20.3 When the national interest so requires as determined by the DENR Secretary

In cases of violations failing under 19.1 and 19.2, the bond shall automatically accrue to NRDC for rehabilitation works.

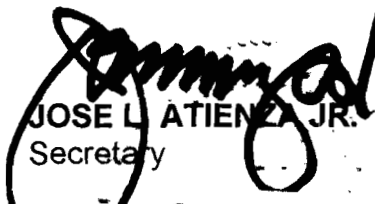
Section 21. Permit Renewal. THP permit renewal shall be subject to the following conditions: payment of P10,000 pesos application fee; submission of new/revised work program; certification of performance or accomplishment reports; submission of area clearances and proofs of financial capability as specified in Section 7.2 of this order and payment of bond.


Section 22. Penal Provisions. Where applicable, the provisions of Section 7, RA 9072 shall be strictly observed on all activities under this Order.


Section 23. Repealing Clause. This Administrative Order supercedes all other issuances inconsistent herewith.

Section 24. Separability Clause. Any provision of this Order which may be declared unconstitutional shall not nullify other portions or provisions of this Order.

Section 25. Effectivity Clause. This Administrative Order shall take effect fifteen (15) days after its publications in a newspaper of general circulation and upon acknowledgement of receipt of copy thereof by the Office of the National Administrative Register (ONAR).


JOSE L. ATIENZA JR.
Secretary

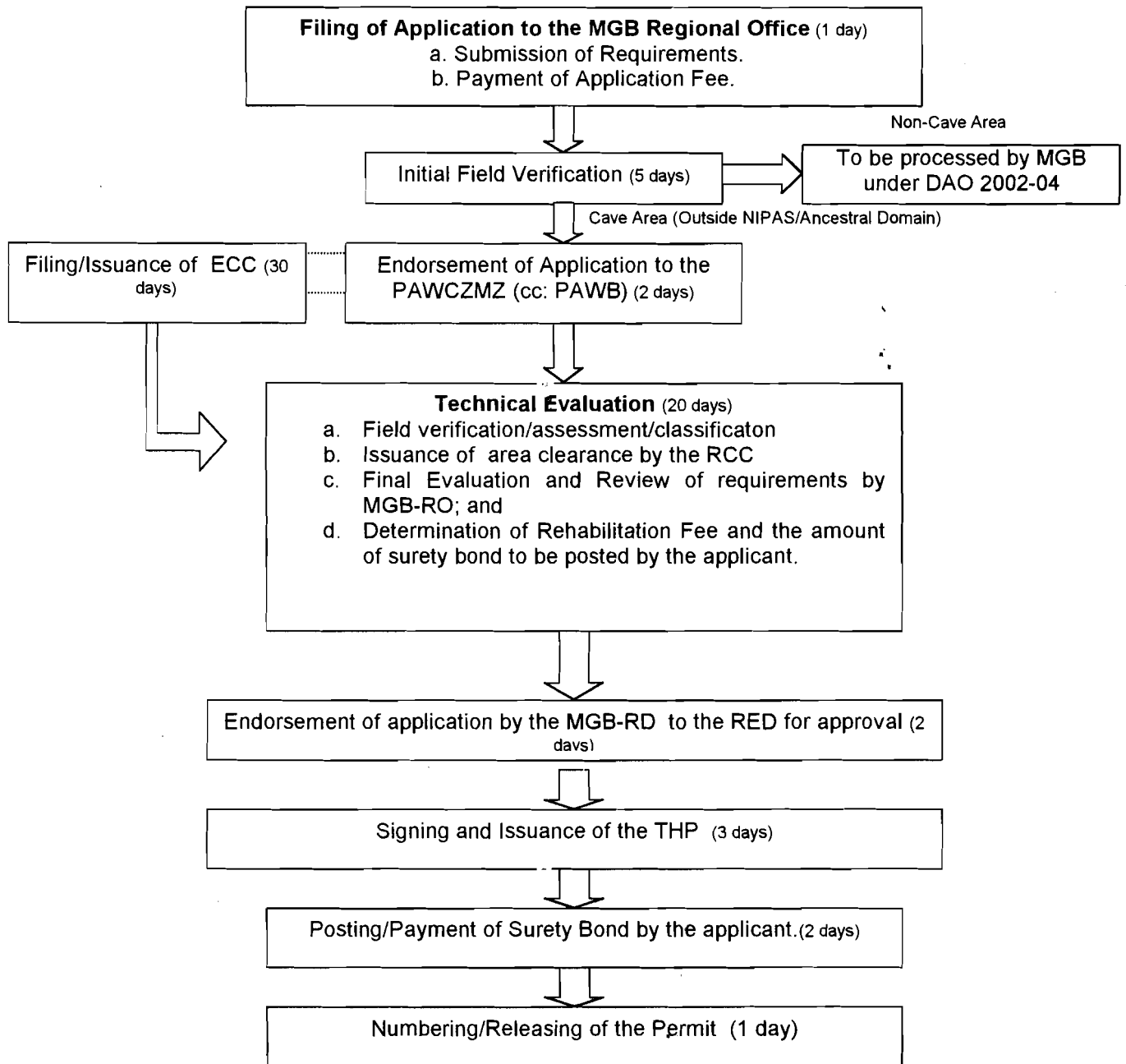
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IN REPLYING, PLS CITE:
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Process Flow Chart for the Issuance of Treasure Hunting Permit in Caves



Total No. of days : Sixty Six (66) days with ECC