



AUG 31 2004

ADMINISTRATIVE ORDER
NO. 2004 - 33

SUBJECT: Amendments to DENR Administrative Order No. 2002-04, Otherwise known as the "Rules and Regulations Governing the Issuance of Permits for Treasure Hunting, Shipwreck/Sunken Vessel Recovery and Disposition of Recovered Treasures/Valuable Cargoes, Including Hoarded Hidden Treasures".

In line with the policy of the Government to continuously provide for a responsive regulatory framework, DENR Administrative Order No. 2002-04 dated January 22, 2002 entitled "Rules and Regulations Governing the Issuance of Permits for Treasure Hunting, Shipwreck/Sunken Vessel Recovery and Disposition of Recovered Treasures/Valuable Cargoes, Including Hoarded Hidden Treasures", is hereby amended as follows:

Section 1. Section 4 (Definition of Terms) is hereby amended to read as follows:

"As used in and for purposes of these rules and regulations, the following terms shall mean:

- a. **Area Clearance** – refers to a clearance issued by the concerned agency/ies allowing an applicant to conduct treasure hunting or shipwreck/sunken vessel recovery activities as shown in the submitted technical and environmental work programs.
- b. **Artifacts** – refer to articles that are products of human skills or workmanship, especially in the simple product of primitive arts or industry representing past eras or periods.
- c. **Bureau** – refers to the Mines and Geosciences Bureau (MGB).
- d. **Certificate of Non-Coverage (CNC)**– refers to a document issued by the EMB Regional Director certifying that based on the submitted project description, the project is not covered by the EIS System and is not required to secure an ECC.
- e. **Department** – refers to the Department of Environment and Natural Resources of the Republic of the Philippines.
- f. **Digging** - refers to the process or activities of excavating hidden treasures buried underground for years or centuries.
- g. **Director** – means the Director of the Mines and Geosciences Bureau.
- h. **Environmental Compliance Certificate** – refers to a document issued by the Secretary or the concerned Regional Executive Director of the Department of Environment and Natural Resources certifying that based

on the representation of the proponent and the preparer, the proposed project or undertaking will not cause significant negative environmental impact and that the proponent is committed to undertake all the mitigation measures stated in the Initial Environment Examination.

- i. **Environmental Impact Assessment** – refers to a process of predicting the likely environmental consequences of implementing a project or undertaking and designing appropriate preventive, mitigating and enhancement measures.
- j. **Environmental Work Program** – 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 shipwreck/sunken vessel recovery.
- k. **Hidden Treasures** – refer to any hidden and unknown deposit of mineral products, money, jewelry, or other precious object, the lawful ownership of which does not appear.
- l. **Initial Environment Impact Examination (IEE)** - refers to the document required of proponents describing the environmental impact of and mitigation and enhancement measures for projects or undertakings located in an Environmentally Critical Area.
- m. **Permit** – refers to the Permit issued for Treasure Hunting or Shipwreck/Sunken Vessel Recovery.
- n. **Permit Holder** – refers to a holder of a Permit for Treasure Hunting or Shipwreck/Sunken Vessel Recovery.
- o. **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.
- p. **Regional Director** – means the Regional Director of any Regional Office.
- q. **Regional Office** – means any of the Regional Offices of the Mines and Geosciences Bureau.
- r. **Relics** – refer 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 part and which are intimately associated with important beliefs, practices, customs and traditions, periods and personages.
- s. **Secretary** – refers to the Secretary of the Department of Environment and Natural Resources.
- t. **Shipwreck** – refers to a sunken vessel due to acts of war or of rough sea conditions or maritime accident which possesses treasures and valuable cargoes.
- u. **Shipwreck Recovery** – involves any and all underwater activities such as but not limited to surveying, locating and exploring, salvaging and recovery of sunken vessels and all cargoes and other valuable items therein.

including the process of securing, preservation, documentation and disposition of the salvaged or recovered valuables.

- v. **Technical Work Program** – refers to a detailed outline of activities and financial plan to be followed in the treasure hunting or shipwreck/sunken vessel recovery.
- w. **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.
- x. **Site** – refers to the actual ground location of diggings, excavations or shipwreck/sunken vessel recovery activities.

Section 2. Section 6 (Filing of Application) is hereby amended, to read as follows:

"All applications for Treasure Hunting or Shipwreck/Sunken Vessel Recovery Permit shall be made under oath and shall be filed with the Regional Office concerned where all legal, technical, financial and operational requirements shall be evaluated. An application fee in the amount of Ten Thousand Pesos (PhP 10,000.00) shall be paid to the Regional Office concerned.

Section 3. Section 7 (Requirements) is hereby amended, to read as follows:

"All applications shall be accompanied by the following:

a. Legal and Administrative

1. Prescribed Personal and/or Corporate Information Sheet;
2. For partnerships, associations or corporations:
 - 2.1 Certified true copy of Certificate of Registration issued by the Securities and Exchange Commission (SEC) or concerned authorized Government agency;
 - 2.2 Certified true copy of Articles of Incorporation/ Partnership/ Association and By-laws; and
 - 2.3 Organizational and Operational Structure.
3. Area clearance and consent of the concerned Government agency, when the activities affect public lands, 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 within protected seascapes/areas or marine parks, if applicable;
4. Consent of landowner(s), contractors or concessionaires, when the activities are bound to affect private lands, mining/quarrying contract/permit areas, tree plantations and other forestry contract/permit areas, aquaculture or fishery projects or beach/marine recreational areas, submarine cables, pipelines, ports and harbors, if applicable;
5. Area Status and Clearance from concerned DENR sectors pursuant to DENR Memorandum Order Nos. 98-03 and 2003-08.

6. Certified true copy of Joint Venture Agreement(s), if any;
7. Free and prior informed consent of indigenous cultural community in areas covered by ancestral lands/domains.

b. Technical

1. Technical description of the site expressed in terms of latitude and longitude, which shall not be more than one (1) hectare of land or twenty (20) hectares for bodies of water accompanied by a vicinity and location map duly prepared and certified by a licensed Geodetic Engineer: *Provided*, That a larger area may be allowed on a case-to-case basis subject to prior approval by the Secretary;
2. Technical Work Program, including appropriate technology, manpower, equipment and cost estimates;
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;
4. ECC, or CNC, whichever is applicable; and
5. Curriculum vitae of technical person/s who shall undertake the Technical and Environmental Work Programs.


c. Financial

1. Latest income/corporate tax return, if applicable;
2. Certified true copies of latest audited financial statements, if applicable; and
3. Bank guarantees/references, credit lines, cash deposits, and other proofs or evidence of the sources of funding.

Section 4. Section 8 (Evaluation and Approval) is hereby amended, to read as follows:

"Within thirty (30) working days upon acceptance of the application by the concerned Regional Office, a Technical Review Committee, shall be constituted by the concerned Regional Director to undertake the processing and evaluation of the said application.

The Technical Review Committee shall assist the Regional Director concerned on the following:

- a. Plotting of area applied for in control map(s);
 - b. Evaluation and review of application;
 - c. Determination of the amount of surety bond to be posted;
 - d. Monitoring of compliance with the permitting terms and conditions;
 - e. Recommendation of any measure in connection with authorized activities; and
 - f. Preparation of progress report on the said activities.
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If necessary, the evaluation shall include a field assessment/verification of the location, public or private structures that may be affected based on the submitted Technical and Environmental Work Programs. The corresponding field verification fee of Two Thousand (PhP 2,000.00) per man per day shall be paid by the applicant provided that the minimum verification fee shall be PhP 6,000.00. In addition, the transportation and other expenses incidental to the conduct of the field verification shall be borne by the applicant.

For private land, the Technical Working Group shall endorse the results of the evaluation of the application to the Regional Director for approval/denial. For public land, all evaluated applications shall be endorsed by the Regional Director to the Director for review and recommendation to the Secretary for approval/denial.

All approved Permits shall be numbered by the Bureau or the concerned Regional Office prior to releasing. The Regional Director shall submit to the Director 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.

Section 5. Section 9 (Posting of Bond and Releasing of Permit) is hereby amended, to read as follows:

"A surety bond, based on the proposed restoration/rehabilitation activities in the Environmental Work Program, shall be posted by the Applicant upon approval but before the release of the Permit, to answer for and guarantee payment for whatever actual damages that may be incurred during locating, digging and excavation activities. The Applicant shall post the bond with the Government Service Insurance System (GSIS) or any reputable bonding company in case of the former's failure to provide the same. The proof of posting of the surety bond shall then be submitted to the Bureau, prior to numbering and release of the Permit to the Applicant."

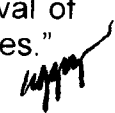
Section 6. Section 12 (Valuation and Disposition of Recovered Treasure/Valuable Cargoes) is hereby amended, to read as follows:

"Issued Treasure Hunting Permits shall be monitored by the Regional Office concerned for their compliance with the terms and conditions of the permit.

The concerned Regional Office, in coordination with the Environmental Management Bureau Regional Office, Local Environment and Natural Resources Offices and the Local Government Units concerned, shall investigate and monitor unauthorized and alleged treasure hunting and related activities.

Upon discovery of valuable items such as monies, things and articles of value, resulting from Treasure Hunting and Shipwreck/Sunken Vessel Recovery activities, the National Museum shall be called upon to determine whether or not they are considered to have cultural and/or historical value. In the event that the items are considered to have historical and cultural value, it shall be turned over to the National Museum for appropriate action. Otherwise, the same shall be turned over to the Oversight Committee for valuation and disposition.

All treasures found shall be allowed for export only upon the approval of the National Heritage Commission and other concerned Government agencies."



Section 7. Section 14 (Sharing) is hereby amended, to read as follows:

After an audited report of expenses has been evaluated and approved by the Oversight Committee, the sharing of the net proceeds shall be as follows:

- a. For Treasure Hunting within Public Lands – Seventy-five percent (75%) to the Government and twenty-five (25%) to the Permit Holder;
- b. For Treasure Hunting in Private Lands – Thirty Percent (30%) to the Government and seventy Percent (70%) to be shared by the Permit Holder and landowner; and
- c. For Shipwreck/Sunken Vessel Recovery – Fifty percent (50%) to the Government and fifty percent (50%) to the Permit Holder.

Section 8. Effectivity

This Administrative Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation and fifteen days (15) after registration with the Office of the National Administrative Register.


ELISEA G. GOZUN
Secretary

PUBLISHED : MALAYA

SEPTEMBER 3, 2004