

**[DENR ADMINISTRATIVE ORDER NO. 2002-04,
JANUARY 22, 2002, January 22, 2002]**

**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**

Pursuant to Section 4 (8), Chapter 1, Title XIV, Book IV of the Administrative Code of 1987 and Executive Order No. 35 dated 17 September 2001 entitled, "Transferring the Function of Issuing Licenses or Permits for Treasure Hunting and Shipwreck Recovery from the Office of the President to the Department of Environment and Natural Resources", the following rules and regulations are hereby promulgated for the guidance of all concerned:

SECTION 1. Declaration of Policy

It is hereby declared to be policy of the state that the discovery/recovery of hidden treasures, shipwrecks/sunken vessels and/or the valuable cargoes found therein and their disposition shall be undertaken under the full control and supervision of the State in order to ensure the protection of interest of the Government, rehabilitation of disturbed areas and the preservation of important cultural properties and national cultural treasures.

SECTION 2. Scope and Coverage

This Administrative Order shall govern the issuance of Permits for the following:

- a. Treasure hunting activities in government land or private land;
- b. Shipwreck/sunken vessel recovery activities; and
- c. Disposition of recovered hidden treasures or things of value hoarded in secret/undisclosed places prior to the effectivity of these rules and regulations. This includes the transport and/or sale of hoarded gold bars, gold coins, platinum, silver, nickel babbits, jewelries, gemstones, etc., or the so-called 'Yamasita Treasures.'

This Administrative Order, however, does not cover the issuance of Permits for the discovery/recovery of hidden treasures, shipwreckers/sunken vessels recovery exclusively for materials of cultural and historical values, such as objects of arts, archeological artifacts, ecofacts, relics and other materials embodying the cultural and natural heritage of the Filipino nation, as well as those of foreign origin, which shall be governed by Republic Act No. 8492, otherwise known as the National Museum Act of 1998.

SECTION 3. Objectives

The objective of this Administrative Order are:

- a. To rationalize the system of evaluation of applications for Treasure Hunting and Shipwreck/Sunken Vessel Recovery permits; and
- b. To provide the appropriate guidelines for hunting hidden treasures and disposition thereof, including recovery of shipwrecks/sunken vessels and valuable cargoes therein, to protect the interest of the Government and to preserve the cultural heritage of the Filipino people through the preservation and protection of national cultural treasures.

SECTION 4. Definition of Terms

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 — refers to articles that are products of human skills or workmanship, especially in the product of primitive arts or industry representing past eras or periods.

c. Bureau — refers to the Mines and Geosciences Bureau.

d. Department — refers to the Department of Environment and Natural Resources of the Republic of the Philippines

e. Digging — refers to the process or activities of excavating hidden treasures buried underground for years or centuries.

f. Director — means the Director of the Mines and Geosciences Bureau.

g. 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 prepare, 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 Environmental Examination.

h. 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.

i. 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.

j. 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.

k. Initial Environmental Impact examination (IEE) — refers to the document required of proponents describing the environmental impact of mitigation and enhancement measures for projects or undertakings located in an Environmentally Critical Area.

i. Permit — refers to the permit issued for Treasure Hunting or Shipwreck/Sunken Vessel Recovery.

m. Permit Holder — refers to a holder of a Permit for Treasure Hunting or Shipwreck Recovery.

n. 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 the title or patent has not been actually issued.

o. 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.

p. Secretary — refers to the Secretary of the Department of Environment and Natural Resources.

q. Shipwreck — refers to a sunken vessel due to acts of war or rough sea conditions or maritime accident which possesses treasures and valuable cargoes.

r. Shipwreck Recovery — involves 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.

s. Technical Work Program — refers to a detailed outline activities and financial plan to be followed in the treasure hunting or shipwreck/sunken vessel recovery.

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

u. Site — refers to the actual ground location of diggings, excavations or shipwreck/sunken vessel recovery activities.

SECTION 5. Qualifications of Applicants

The following persons may apply for Treasure Hunting or Shipwreck/Sunken Vessel Recovery Permit:

- a. In case of an individual — must be a Filipino citizen, of legal age, with capacity to enter into contract and capable of conducting Treasure Hunting or Shipwreck/sunken Vessel Recovery activities.
- b. In case of partnership, association or corporation — must be organized or authorized for the purpose of engaging in Treasure Hunting or shipwreck/sunken Vessel Recovery, duly registered in accordance with law, and with technical and financial capability to undertake Treasure Hunting or Shipwreck/Sunken Vessel Recovery activities.

SECTION 6. Filing of application

All applications for Treasure Hunting or Shipwreck/Sunken Vessel Recovery Permit shall be made under oath and shall be filed with the Bureau 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 Bureau.

SECTION 7. Requirements

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. Consent of landowner(s) concerned, when the activities are bound to affect private lands or consent of the concerned 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;

4. Area Clearance from concerned Government agency, when the activities affect public land or if the area applied for is located near submarine cables, pipelines, ports and harbors, or within protected seascape/areas or marine parks, if applicable;