


THIRTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

6 MAY 29 1975

SENATE  
S. B. NO. 2252

RECEIVED BY: 

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Introduced by SENATOR EDGARDO J. ANGARA

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**EXPLANATORY NOTE**

Sections 14, 15, and 16 on Arts and Culture in Article XIV of the Constitution are unambiguous, *to wit*:

The State shall foster the **preservation, enrichment**, and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression.

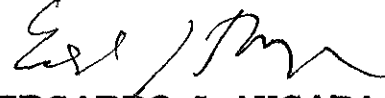
Arts and letters shall enjoy the patronage of the State. The State shall **conserve**, promote, and popularize the nation's historical and cultural heritage and resources, as well as artistic creations.

All the country's artistic and historic wealth constitutes the cultural treasure of the nation and shall be under the **protection** of the State which may regulate its disposition.

Nowadays, experts calculate that indiscriminate diggings and underwater explorations have exposed our cultural and historical sites to desecration and our priceless cultural artifacts to destruction. All of which cause countries worldwide to incur massive damage to their cultural heritage.

This measure aims to provide the statutory mechanism for a permit system on underwater exploration and excavation as well as establishing definite archaeological and scientific procedures to be followed. Strong legal sanctions, along with reward scheme and educational programs for divers, underwater construction workers and similar workers are provided in the bill. With this Act, the Philippine government concretizes its share in the role to maintain the cultural heritage of country.


This bill, therefore, does it share in giving life to the aforesaid constitutional precepts.

  
**EDGARDO J. ANGARA**  
Senator

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**AN ACT PROVIDING FOR THE PROTECTION AND CONSERVATION  
OF ALL OBJECTS OF UNDERWATER CULTURAL HERITAGE  
IN PHILIPPINE WATERS**

*Be it enacted by the Senate and House of Representatives of the  
Philippines in Congress assembled:*

1           **SECTION 1. Short Title.** This Act may be cited as the "**Protection**  
2 **of Underwater Cultural Heritage Act of 2006.**"  
3  
4

5           **SEC. 2. Declaration of Policy.** It is hereby declared the policy of  
6 the State to protect and preserve underwater archaeology, exploration  
7 and excavation.  
8

9           Towards this end, the State shall provide for the general  
10 requirements for underwater archaeology, exploration, and excavation,  
11 the description of items to be protected, the prohibition of certain  
12 activities in the vicinity of a protected item / site, the establishment of a  
13 reward system for verified reports of underwater cultural discoveries, and  
14 the imposition of sanction and penalties for violations of underwater  
15 cultural exploration and utilization.  
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17

18           **SEC. 3. Definitions.** For purposes of this Act,  
19

- 20           (a) "**Philippine waters**" shall include all waters around, between and  
21 connecting the islands of the Philippine archipelago with the  
22 territorial sea extending up to twenty four (24) nautical miles  
23 measured from the straight baselines in accordance with Republic  
24 Act No. 3046 as amended by Republic Act No. 5446 (1 96 1);  
25  
26           (b) "**Sea**" includes any waters within the ebb and flow of the tide;  
27  
28           (c) "**Ship**" includes any vessel used in navigation by 'water';  
29  
30           (d) "**Underwater archaeology**" includes not only maritime  
31 archaeology but also riverine and submerged site archaeology;  
32

- 1 (e) "**Cultural Treasure**" includes any money, coin, gold, silver bullion,  
2 jewelry, precious stones and metals and other raw precious objects  
3 which are unworked, found, or hidden in, or in, anything affixed  
4 to, the soil or the bed of a river or of the sea or other bodies of  
5 water but shall not include any rare and unique item or any object  
6 which is at least one hundred (100) years old or more and which is  
7 declared a national cultural treasure or important cultural  
8 property;  
9
- 10 (f) "**Objects of underwater cultural heritage,**" both movable and  
11 immovable, include all shipwrecks, sunken vessels at least 100  
12 years old and all things therein, hulls and underwater  
13 archaeological artifacts; places of ancient settlements or vestiges of  
14 an ancient civilization; dockyards, piers, aqueducts, tanks, wells;  
15 monuments, fragments, shards or original documents found under  
16 water dating from prehistoric times and any other object of  
17 scientific, cultural, religious, archaeological, anthropological or  
18 paleontological interest to the Philippines;  
19
- 20 (g) "**Collector**" is any person or institution who acquires cultural  
21 treasure for purposes other than sale;  
22
- 23 (h) "**Dealers**" are persons or enterprises who acquire cultural treasure  
24 for the purpose of engaging in the acquisition and resale of the  
25 same; and  
26
- 27 (i) "**Exporters**" are dealers who engage in the business of exporting  
28 cultural treasures.  
29  
30

31 **SEC. 4. Lead Agency.** The National Museum, hereinafter referred  
32 to as the "**Museum,**" shall be the lead agency of the government to  
33 implement the provisions of this Act.  
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35

36 **SEC. 5. Declaration and Registration of Protected Sites.** The  
37 Archaeology Division of the National Museum shall undertake an  
38 intensive archival and historical research study to pinpoint sites of  
39 important shipwrecks and other significant underwater archaeological  
40 sites within five (5) years from the approval of this Act. Thereafter, the  
41 National Museum shall keep an up-to-date register of protected  
42 underwater archaeological sites and shipwrecks.  
43

44 The Director of the National Museum shall, by notice published in  
45 the Official Gazette or any newspaper of general circulation, may declare  
46 an area (not exceeding 100 hectares) comprising sea or partly of sea and  
47 partly of land (within which archaeological sites, shipwrecks or any  
48 object of underwater cultural heritage are situated) to be a protected zone  
49 and/or restricted area.  
50

51 **SEC. 6 . Ownership of Cultural Objects.** Upon approval of this  
52 Act, ownership of all objects of underwater cultural heritage found in  
53 territorial waters, regardless of origin, shall be vested with the State.  
54  
55

1 It shall be unlawful to destroy, demolish, mutilate or damage any  
2 object of underwater cultural heritage, No person shall remove from or  
3 alter the site of any object of underwater cultural heritage within a  
4 protected zone.  
5  
6

7 **SEC. 7. Dealing or Possessing a Punishable Act.** The act of  
8 dealing in or possessing any object of underwater cultural heritage, any  
9 part thereof, or associated objects in the vicinity thereof unless  
10 authorized by the National Museum is punishable by the penal  
11 provisions of this Act.  
12  
13

14 **SEC. 8. Other Prohibited Acts.** Diving, marking, use of explosives  
15 other than shaped charges, use of a pressure air hose, water hose or  
16 vacuum hose within a protected zone or a non- protected zone to recover  
17 objects of underwater cultural heritage is strictly prohibited.  
18  
19

20 **SEC. 9. Reporting.** Any person who discovers, by chance, any  
21 object of underwater cultural heritage is obliged to report his / her find  
22 to the National Museum or any of its branches within seven (7) days from  
23 knowledge of its potential scientific, cultural, archaeological,  
24 paleontological or historical value. Any person who becomes aware of the  
25 find is also required to notify the nearest National Museum branch or  
26 representative within seven (7) days after constructive or direct  
27 knowledge thereof. A government or public officer has the special duty to  
28 pass any information regarding discovery and chance finds of objects of  
29 underwater cultural heritage to the nearest National Museum branch or  
30 representatives. Failure to report or notify within the designated period  
31 shall be penalized by the appropriate provisions of this Act.  
32  
33

34 **SEC. 10. Special Decoration.** A special decoration for persons  
35 who have contributed to the preservation of objects of underwater  
36 cultural heritage or who have rendered important services in the  
37 protection of the same shall be given by the Office of the President, upon  
38 recommendation by; the Director of the National Museum.  
39  
40

41 **SEC. 11. Finders' Reward.** Finders who have dutifully notified the  
42 National Museum of their discovery and chance finds shall be given a  
43 finders' reward equivalent to at least fifteen percent (15%) of the value of  
44 the property and shall be given recognition in a museum display or  
45 publication. A finder who is qualified to work a site shall have the right of  
46 first priority among applicants for permits to explore or excavate  
47 underwater sites.  
48  
49

50 **SEC. 12. Permits to Explore or Excavate.** It shall be unlawful to  
51 dive, explore, survey, or-excavate in Philippine waters for the purpose of  
52 obtaining materials of cultural or historical value without the prior  
53 written authority from the Director of the National Museum. The Director  
54 of the National Museum shall promulgate rules and guidelines for the  
55 grant of permits or licenses to explore or excavate any underwater site for

1 protected underwater cultural properties in Philippine waters subject to  
2 the provisions of this Act.

3  
4 Such rules and regulations shall be published in a newspaper of  
5 general circulation and shall be approved by the President of the  
6 Philippines.

7  
8  
9 **SEC. 13. Who May Be Granted Permits.** Only duly accredited  
10 scientific and educational institutions, duly registered non-stock and  
11 non-profit corporate entities or organizations in the field of underwater  
12 archaeology, government agencies or instrumentalities with proven  
13 ability to conduct underwater archaeological work, foreign institutions in  
14 the field of underwater archaeology registered with the SEC and allowed to  
15 do business in the Philippines and individuals and juridical persons  
16 under sponsorship by a scientific or educational institution may be  
17 granted permits to explore or excavate.

18  
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20 **SEC. 14. Formal Application.** A formal letter of application for a  
21 permit to explore or excavate shall be addressed to the Director of the  
22 National Museum. It shall contain the name of the proponents, the  
23 cooperating agencies, a summary of the project, its objectives,  
24 significance and the procedure to be followed, a timetable, a list of  
25 foreign personnel with proper Philippine visa and historical and archival  
26 documentation. It must be accompanied by financial statements,  
27 evidences of competence and experience in the field of underwater  
28 archeology and a listing of capital investments in terms of equipment and  
29 facilities. The applicant shall file a cash performance bond in an amount  
30 not less than Three Hundred Thousand Pesos (P300,000.00) which is  
31 refundable subject to limitations upon completion or cessation of the  
32 project.

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35 **SEC. 15. Procedures.** The National Museum's underwater  
36 archaeological procedures shall be followed throughout the extent and  
37 effectivity of the project.

38  
39 No exploration or excavation may commence until the written  
40 permit is issued and the applicant has signed his conformity with the  
41 corresponding rules and regulations.

42  
43 Activities during the exploration of underwater archaeological sites  
44 are limited to the assessment of the potential (s) of the sites for future  
45 archaeological excavation. During exploration, only samples of small  
46 finds and diagnostic materials enough to help in the identification and  
47 dating of the site may be taken. These materials shall belong to the  
48 National Museum.

49  
50 Underwater archaeological excavations are to be undertaken  
51 following internationally accepted methods and techniques. There shall  
52 be a general mapping of the site prior to the excavation where and when  
53 feasible. The permittee shall keep a daily inventory and listing of  
54 archaeological materials recovered and a daily log-book to record daily  
55 activities. The permittee shall undertake a three-dimensional recording of

1 archaeological materials to show spatial relationships with other  
2 materials and environmental features. The permittee must be committed  
3 to implement adequate recovery procedures to minimize archaeologically  
4 induced damage specifically to fragile and small materials and arrange  
5 for the conservation of all materials both at the site and the laboratory. A  
6 preliminary report, status and final report of the activities and results of  
7 the excavations shall be submitted to the National Museum.

8  
9  
10 **SEC. 16. Presence of National Museum Representative.**  
11 Underwater archaeological work, both exploratory and actual  
12 excavations, shall be carried out only in the presence of National  
13 Museum representative(s). Actual commencement of the work shall be  
14 subject to the availability of a National Museum representative.

15  
16 The permittee shall underwrite the cost of transportation, life and  
17 medical insurance, *per diems* and allowances of the Museum  
18 representative to the site to expedite continuous operations of the  
19 project. The permittee shall likewise provide the Museum representative  
20 with full scuba and excavation equipment to be used for the underwater  
21 archaeological operation.

22  
23  
24 **SEC. 17. Right of Revocation.** The National Museum has the full  
25 right to revoke the permit issued to the applicant for cause such as but  
26 not limited to a violation or inability of the permittee to comply with the  
27 term and conditions of the permit or any part thereof, deliberate act(s) of  
28 concealing any item or object recovered from the site or any part thereof  
29 with the intention of defrauding the National Museum, allowing the  
30 possession, traffic or use of prohibited drugs during the diving operations  
31 or illegal possession of firearms and ammunitions.

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34 **SEC. 18. Other Explosives Prohibited.** The use of other  
35 explosives (other than shaped charges that will not harm the  
36 environment) is strictly prohibited. The use of shaped charges must be  
37 with prior clearance from the National Museum representative and the  
38 Armed Forces of the Philippines.

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41 **SEC. 19. Subcontracting Prohibited.** Subcontracting of  
42 underwater archaeological work or third party arrangements shall not be  
43 allowed. Permits granted shall be nontransferable and non-assignable.

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46 **SEC. 20. Period of Exploration.** Exploration permits are limited  
47 to a period of six (6) months per permit, but renewable for another six (6)  
48 months for just reasons. An applicant can only have two exploration  
49 permits at any one time. The cash performance bond for an exploration  
50 permit for one site is Two Hundred and Fifty Thousand Pesos  
51 (P250,000.00).

52  
53  
54 **SEC. 21. Period of Excavation.** Applications for permits to  
55 excavate must specify the map coordinates of the specific site to the  
56 nearest degree. A site must be described in full detail to establish

1 identity. Excavation permits are limited to a period of one (1) year and  
2 renewable for another year. In areas unaffected by seasonable  
3 climatological variations, only one excavation permit may be granted at  
4 any one time. In affected areas, two excavation permits may be granted,  
5 the applicant working alternately between the sites as the weather  
6 conditions permit.

7  
8 The cash performance bond for an exploration permit is extended  
9 into the excavation phase if an excavation permit is granted.

10  
11  
12 **SEC. 22. Study of Objects and Report.** A complete  
13 documentation and scientific study of objects recovered from the site  
14 collectively must be undertaken before the same are disseminated.

15  
16 A report on the project shall be submitted to the National Museum  
17 before any division of the recovered materials, objects or items is allowed.

18  
19  
20 **SEC. 23. Disposition and Division of Recovered Objects.** All  
21 rare and unique items (RUIs) shall belong to the National Museum. Any  
22 recovered object which is declared a national cultural treasure or an  
23 important cultural property shall belong to the National Museum. If a  
24 cultural treasure, as defined in this Act, is discovered or recovered  
25 during exploration or excavation, the permittee must notify the National  
26 Museum Director within twenty-four (24) hours. The permittee may  
27 underwrite the cost of guards and other security measures. The Director  
28 of the National Museum shall request the Philippine Navy, through the  
29 Office of the President, for assistance in securing the site and the  
30 project's personnel.

31  
32 All cultural treasures except the RUI's shall be divided on a fifty-  
33 fifty (50-50) basis. In case there are several RUI's, as determined by both  
34 parties, then, all cultural treasures shall be divided on a 50-50 basis, in  
35 favor of the permittee.

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37  
38 **SEC. 24. Cost of Convention.** The material cost of the total  
39 conservation of the recovered cultural properties shall be borne by the  
40 permittee regardless of the termination date of the permit. The technical  
41 expertise in- the conservation of the materials may be provided by the  
42 National Museum.

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45 **SEC. 25. Construction or Mining Halted.** Underwater  
46 construction work or mining shall be halted wherever a find is made so  
47 that rescue technology can take place. Mining or construction in or near  
48 a declared protected zone or restricted area shall not commence without  
49 prior consultation with the Director of the National Museum.

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52 **SEC. 26. Cooperation with Diving Clubs.** National and other  
53 local diving clubs shall submit a list of their diver members to the  
54 National Museum. The Philippine Tourism Authority, together with  
55 representatives of the National Museum, shall conduct education

1 campaigns and information drives about Philippine underwater cultural  
2 heritage to tourist-divers and local diver's clubs.

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5 **SEC. 27. Penal Provisions.** - Any violation of the provision of this  
6 Act shall, upon conviction, subject the offender to a fine of not less than  
7 One Hundred Thousand Pesos (P100,000.00) or imprisonment for a  
8 term of not less than ten (10) years or both upon the discretion of the  
9 Court: *Provided*, That any watercraft, equipment, tools, paraphernalia,  
10 other instruments used for excavation and objects excavated in violation  
11 of this Act shall be summarily confiscated and forfeited to the National  
12 Museum: *Provided, further*, That if the violation is committed by a  
13 juridical person, the manager, representative, director, agent or employee  
14 of said juridical person responsible for the act shall also be liable to the  
15 penalties provided herein: *Provided, finally*, That if the offender is an  
16 alien he shall be held under the custody of the Commission on  
17 Immigration and Deportation for the appropriate proceedings.

18  
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20 **SEC. 28. Appropriation.** The sum of Seven Million Pesos  
21 (P7,000,000.00) is hereby appropriated annually from the General Fund,  
22 not otherwise appropriated by law, to carry out the provisions of this Act.

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25 **SEC. 29. Repealing Clause.** Any provision of existing laws, rules,  
26 decrees and executive orders inconsistent with the provisions of this Act  
27 are hereby repealed or modified accordingly.

28  
29  
30 **SEC. 30. Separability Clause.** - Any portion or pr vision of this  
31 Act that may be declared unconstitutional shall not have the effect of  
32 nullifying other portions or provisions hereof as long as such remaining  
33 provisions can still subsist and be given effect.

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35  
36 **SEC. 31. Effectivity Clause.** This Act shall take effect fifteen (1 5 )  
37 days after publication in the Official Gazette or a newspaper of general  
38 circulation.

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42 *Approved,*