



## HOUSE OF REPRESENTATIVES

H. No. 7275

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INTRODUCED BY HONORABLE ACOSTA, ANGARA-CASTILLO, CRUZ-DUCUT, DUAVIT, LIBAN, SALUDO JR., REYES (R.), COJUANGCO, AQUINO III, LORENZO-VILLAREAL, PUNZALAN JR., SAN LUIS, SUAREZ, SEACHON JR., ALVAREZ JR., ANDAYA (V.) JR., ABAD, CUENCO, KINTANAR, BANAAG, CARLOTO II, BACULIO, MANGOTARA, LOPEZ (R.), DEQUIÑA, FALCON, ADIONG, BULUT, CAPPLEMAN, VALERA, OCAMPO, YOUNG, AGUINALDO, ROMUALDO, NAVARRO JR., HERRERA (E.T.), VILLAROSA, CRUZ (T.), ALVAREZ (H.), APOSTOL, BARBERS, AMATONG, FUA JR., EBALLE, PICHAY JR., MONTEMAYOR, ZUBIRI, VERCELES JR., GARCIA (E.) JR., FUENTEBELLA, PEREZ JR., AUMENTADO, GOLEZ, ANTONINO, LAPUS, LOPEZ (E.), CUA, LOCSIN, DUMPIT, MARCOS, WACNANG, BONDOC, JOSON, ROMAN, ANDAYA (M.), JOAQUIN, MALIKSI, REYES JR., RODRIGUEZ JR., GARIN, MONFORT, SYJUCO, YOTOKO-VILLANUEVA, MACIAS II, PARAS, ABAYON, CERILLES, LOBREGAT, SALAPUDDIN, CAGAS, ANGPING, CAYETANO, DEL MAR, SINGSON, LAGMAN-LUISTRO, ROMUALDEZ, HERRERA (E.F.), SHAHANI, LARA, SARMIENTO (A.), ABAYA, CHIPECO JR., RECTO, LEDESMA IV, QUIMPO, TUAZON, MONTILLA, SANDOVAL (V.), CALALAY, DILANGALEN, JAAFAR, VERGARA, PANCHO, SILVERIO, LIBARIOS, ASISTIO, PADILLA (C.), DIAZ, ESPINOSA JR., SY-ALVARADO, DY JR., BACANI, MENDOZA, BARINAGA, PONCE JR., LORETO-GO, GONZALEZ (J.), TEODORO JR., NACHURA, ARROYO, ALMARIO, ANDAYA (R.) JR., BAUTISTA, BRAGANZA, DEFENSOR, ESPINA, GARCIA (M.), GONZALEZ (R.), GORDON JR., ECHIVERRI, AQUINO (A.), BUNYE, SANDOVAL II, PALMA GIL, MORENO, LEVISTE, LIM, ENRILE, SUPICO, BADELLES AND VILLAR JR., PER COMMITTEE REPORT NO. 259

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AN ACT TO MANAGE AND PROTECT CAVES AND CAVE RESOURCES AND FOR OTHER PURPOSES

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

1 SECTION 1. *Title.* – This Act shall be known as the “National Caves  
2 and Cave Resources Management and Protection Act.”

3 SEC. 2. *Declaration of Policy.* – It is hereby declared the policy of  
4 the State to conserve, protect and manage caves and cave resources as part  
5 of the country’s natural wealth. Towards this end, the State shall  
6 strengthen cooperation and exchange of information between governmental  
7 authorities and people who utilize caves and cave resources for scientific,  
8 educational, recreational, tourism, and other purposes.

9 SEC. 3. *Definition of Terms.* – For purposes of this Act, the  
10 following terms shall be defined as follows:

11 (a) “Cave” means any naturally occurring void, cavity, recess or  
12 system of interconnected passages beneath the surface of the earth or  
13 within a cliff or ledge and which is large enough to permit an individual to  
14 enter, whether or not the entrance, located either in private or public land is  
15 naturally formed or man-made. It shall include any natural pit, sinkhole or  
16 other feature which is an extension of the entrance. The term also includes  
17 cave resources therein, but not any vug, mine tunnel, aqueduct or other  
18 man-made excavation;

19 (b) “Cave resources” includes any material or substance occurring  
20 naturally in caves, such as animal life, plant life, including paleontological

1 and archaeological deposits, cultural artifacts or products of human  
2 activities, sediments, minerals, speleogems and speleothems.

3 (c) "Secretary" means the Secretary of the Department of  
4 Environment and Natural Resources (DENR).

5 (d) "Speleogem" means relief features on the walls, ceilings and  
6 floor of any cave or lava tube which are part of the surrounding bedrock,  
7 including but not limited to anastomoses, scallops, meander niches,  
8 petromorphs and rock pendants in solution caves and similar features  
9 unique to volcanic caves.

10 (e) "Speleothem" means any natural mineral formation or deposit  
11 occurring in a cave or lava tube, including but not limited to any stalactite,  
12 stalagmite, helictite, cave flower, flowstone, concretion, drapery, rimstone  
13 or formation of clay or mud.

14 (f) "Significant cave" refers to a cave which contains materials or  
15 possesses features that have archaeological, cultural, ecological, historical,  
16 or scientific value as determined by the DENR in coordination with the  
17 scientific community and academe.

18 SEC. 4. *Implementing Agency.* – The DENR shall be the lead  
19 agency tasked to implement the provisions of this Act in coordination with  
20 the Department of Tourism (DOT), the National Museum and concerned  
21 local government units (LGUs) for specific caves, except that in the  
22 Province of Palawan, the Palawan Council for Sustainable Development  
23 shall be the lead implementing agency pursuant to Republic Act No. 7611  
24 or the Strategic Environmental Plan for Palawan.

1           SEC. 5. *Powers and Functions of the Department of Environment*  
 2           *and Natural Resources (DENR).* – In the implementation of this Act, the  
 3           DENR shall exercise the following powers and functions:

4           (a) Formulate, develop and implement a national program for the  
 5           management, protection and conservation of caves and cave resources;

6           (b) Disseminate information and conduct educational campaign on  
 7           the need to conserve, protect and manage our caves and cave resources;

8           (c) Issue permits for the collection and removal of guano and other  
 9           cave resources which shall be determined in coordination with the DOT,  
 10          the National Museum, concerned LGUs, the representative of the  
 11          respective legislative district, the scientific community and academe, with  
 12          regard to specific caves taking into consideration bio-diversity as well as  
 13          the aesthetic and archaeological value of the cave: *Provided,* That the  
 14          permittee shall be required to post a bond to insure compliance with the  
 15          provisions of any permit: *Provided, further,* That any permit issued under  
 16          this Section shall be revoked by the Secretary when the permittee violates  
 17          any provision of this Act or fails to comply with any other condition upon  
 18          which the permit was issued: *Provided, furthermore,* That the Secretary  
 19          cannot issue permits for the removal of stalactites and stalagmites, and  
 20          when it is established that the removal of the resources will adversely affect  
 21          the value of a significant cave: *Provided, however,* That caves located  
 22          within a protected area shall be subject to the provisions of Republic Act  
 23          No. 7586 or the National Integrated Protected Areas System Act of 1992:  
 24          *Provided, finally,* That in the Province of Palawan, the provisions of this

1 Act shall be implemented by the Palawan Council for Sustainable  
2 Development pursuant to Republic Act No. 7611 or the Strategic  
3 Environmental Plan for Palawan.

4 (d) Call on any local government unit, bureau, agency, state  
5 university or college, and other instrumentalities of the government for  
6 assistance as the need arises in the discharge of its functions;

7 (e) Enter into a memorandum of agreement with any local  
8 government unit (LGU) for the preservation, development and  
9 management of cave or caves located in their respective territorial  
10 jurisdiction;

11 (f) Tap the cooperation of people's and nongovernmental  
12 organizations as active partners in the conservation and protection of our  
13 caves and cave resources; and

14 (g) Exercise other powers and perform other functions as may be  
15 necessary to implement the provisions of this Act.

16 SEC. 6. *Information Concerning the Nature and Location of*  
17 *Significant Caves.* – Information concerning the nature and specific  
18 location of a potentially significant cave shall not be made available to the  
19 public within one (1) year after its discovery by the DENR, during which  
20 time the DENR, in coordination with the DOT, the National Museum,  
21 concerned LGUs, the representative of the respective legislative district,  
22 the scientific community and academe, shall assess its archaeological,  
23 cultural, ecological, historical and scientific value, unless a written request  
24 is made and the Secretary determines that disclosure of such information

1 would further the purpose of this Act and would not create a substantial  
2 risk of harm, theft or destruction on such cave.

3 The written request shall contain, among others, the following:

4 (a) a description of the geographic site for which the information is  
5 sought;

6 (b) an explanation of the purpose for which the information is  
7 sought; and

8 (c) an assurance or undertaking satisfactory to the Secretary that  
9 adequate measures are to be taken to protect the confidentiality of such  
10 information and to ensure the protection of the cave from destruction by  
11 vandalism and unauthorized use.

12 SEC. 7. *Prohibited Acts and Criminal Penalties.* – The following  
13 shall be considered prohibited acts:

14 (a) Knowingly destroying, disturbing, defacing, marring, altering,  
15 removing or harming the speleogem or speleothem of any cave or altering  
16 the free movement of any animal or plant life into or out of any cave;

17 (b) Gathering, collecting, possessing, consuming, selling, bartering  
18 or exchanging or offering for sale without authority any cave resource; and

19 (c) Counseling, procuring, soliciting or employing any other person  
20 to violate any provision of this Section.

21 Any person found guilty of any of the offenses enumerated above  
22 shall be punished by imprisonment of not less than two (2) years nor more  
23 than six (6) years or a fine of not less than Twenty thousand pesos  
24 (P20,000.00) nor more than Five hundred thousand pesos (P500,000.00) or

1 both, at the discretion of the Court: *Provided*, That the person furnishing  
 2 the capital for the acts punishable herein shall be punished by  
 3 imprisonment of six (6) years and one (1) day to eight (8) years or by a fine  
 4 of Five hundred thousand pesos (P500,000.00) to One million pesos  
 5 (P1,000,000.00) or both, at the discretion of the Court: *Provided, further*,  
 6 That if the area requires rehabilitation or restoration as determined by the  
 7 Court, the offender shall also be required to restore the same, whenever  
 8 practicable, or compensate for the damage: *Provided, finally*, That if the  
 9 offender is a government employee, he shall likewise be removed from  
 10 office.

11 SEC. 8. *Administrative Confiscation and Conveyance.* – The  
 12 Secretary shall order the confiscation, in favor of the government, of the  
 13 cave resources gathered, collected, removed, possessed or sold including  
 14 the conveyances and equipment used in violation of Section 7 hereof.

15 SEC. 9. *Miscellaneous Provision.* – Any money collected by the  
 16 DENR as permit fees for collection and removal of cave resources, as a  
 17 result of the forfeiture of a bond or other security by a permittee who does  
 18 not comply with the requirements of such permit issued under this Act or  
 19 by way of fines for violations of this Act shall be remitted to the National  
 20 Treasury.

21 SEC. 10. *Implementing Rules and Regulations.* – The DENR shall,  
 22 within one (1) year after the effectivity of this Act, issue rules and  
 23 regulations necessary to implement the provisions hereof.

1           SEC. 11. *Appropriations.* – The amount necessary to carry out the  
2 provisions of this Act shall be included in the General Appropriations Act  
3 of the year following its enactment into law and thereafter.

4           SEC. 12. *Separability Clause.* – If any provision of this Act is  
5 subsequently declared to be unconstitutional, the remaining provisions  
6 shall remain in full force and effect.

7           SEC. 13. *Repealing Clause.* – Presidential Decree No. 1726-A is  
8 hereby modified thereafter, treasure hunting in caves shall be governed by  
9 the provisions of this Act.

10           Except Presidential Decree No. 412 and Republic Act No. 4846, all  
11 other laws, decrees, orders and regulations, or parts thereof, which are  
12 inconsistent with any of the provisions of this Act are hereby repealed or  
13 amended accordingly.

14           SEC. 14. *Effectivity.* – This Act shall take effect after fifteen (15)  
15 days following its publication in two (2) national newspapers of general  
16 circulation.

Approved,

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