

SENATE

S. No. 1956

PREPARED BY THE COMMITTEES ON ENVIRONMENT AND
NATURAL RESOURCES AND FINANCE WITH SENATORS
JAWORSKI AND OSMEÑA (J.) AND THE MEMBERS OF THE
COMMITTEES AS AUTHORS THEREOF

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
2 Caves and Cave Resources Management and Protection Act."

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

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

12 (a) "Cave" means any naturally occurring void, cavity, recess
13 or system of interconnected passages beneath the surface of the earth

1 or within a cliff or ledge and which is large enough to permit an
2 individual to enter, whether or not the entrance, located either in
3 private or public land, is naturally formed or man-made. It shall
4 include any natural pit, sinkhole or other feature which is an extension
5 of the entrance. The term also includes cave resources therein, but
6 not any vug, mine tunnel, aqueduct or other man-made excavation;

7 (b) "Cave resources" includes any material or substance
8 occurring naturally in caves, such as animal life, plant life, including
9 paleontological and archeological deposits, cultural artifacts or
10 products of human activities, sediments, minerals, speleogems and
11 speleothems;

12 (c) "Secretary" means the Secretary of the Department of
13 Environment and Natural Resources (DENR);

14 (d) "Speleogem" means relief features on the walls, ceilings
15 and floor of any cave or lava tube which are part of the surrounding
16 bedrock, including but not limited to anastomoses, scallops, meander
17 niches, petromorps and rock pendants in solution caves and similar
18 features unique to volcanic caves;

19 (e) "Speleothem" means any natural mineral formation or
20 deposit occurring in a cave or lava tube, including but not limited
21 to any stalactite, stalagmite, helictite, cave flower, flowstone,
22 concretion, drapery, rimstone or formation of clay or mud;

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

17

1 SEC. 4. *Implementing Agency.* - The DENR shall be the lead
2 agency tasked to implement the provisions of this Act in coordination
3 with the Department of Tourism (DOT), the National Museum, the
4 National Historical Institute and concerned local government units
5 (LGUs) for specific caves, except that in the Province of Palawan,
6 the Palawan Council for Sustainable Development shall be the lead
7 implementing agency pursuant to Republic Act No. 7611 or the
8 Strategic Environmental Plan for Palawan Act.

9 SEC. 5. *Powers and Functions of the Department of*
10 *Environment and Natural Resources (DENR).* - In the implementation
11 of this Act, the DENR shall exercise the following powers and
12 functions:

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

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

19 (c) Issue permits for the collection and removal of guano and
20 other cave resources which shall be determined in coordination with
21 the DOT, the National Museum, concerned LGUs, the scientific
22 community and the academe, with regard to specific caves taking into
23 consideration bio-diversity as well as the aesthetic and archaeological
24 value of the cave: *Provided*, That the permittee shall be required to
25 post a bond to ensure compliance with the provisions of any permit:

1 *Provided, further*, That any permit issued under this Section shall be
2 revoked by the Secretary when the permittee violates any provision
3 of this Act or fails to comply with any other condition upon which
4 the permit was issued: *Provided, furthermore*, That the Secretary
5 cannot issue permits for the removal of stalactites and stalagmites,
6 and when it is established that the removal of the resources will
7 adversely affect the value of a significant cave: *Provided, finally*, That
8 caves located within a protected area shall be subject to the provisions
9 of Republic Act No. 7586 or the National Integrated Protected Areas
10 System Act of 1992;

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

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

18 (f) Tap the cooperation of people's and non-governmental
19 organizations as active partners in the conservation and protection of
20 our caves and cave resources; and

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

23 SEC. 6. *Information Concerning the Nature and Location of*
24 *Significant Caves.* - Information concerning the nature and specific
25 location of a potentially significant cave shall not be made available
26 to the public within one (1) year after its discovery by the DENR,

18

1 during which time the DENR, in coordination with the DOT, the
2 National Museum, the National Historical Institute, concerned LGUs,
3 the scientific community and the academe, shall assess its
4 archaeological, cultural, ecological, historical and scientific value,
5 unless a written request is made and the Secretary determines that
6 disclosure of such information will further the purpose of this Act
7 and will not create a substantial risk of harm, theft or destruction on
8 such cave.

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

10 (a) a description of the geographic site for which the
11 information is sought;

12 (b) an explanation of the purpose for which the information
13 is sought; and

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

18 SEC. 7. *Prohibited Acts.* - The following shall be considered
19 prohibited acts:

20 (a) Knowingly destroying, disturbing, defacing, marring,
21 altering, removing or harming the speleogem or speleothem of any
22 cave or altering the free movement of any animal or plant life into
23 or out of any cave;

24 (b) Gathering, collecting, possessing, consuming, selling,
25 bartering or exchanging or offering for sale without authority any cave
26 resources; and

1 (c) Counselling, procuring, soliciting or employing any other
2 person to violate any provision of this Section.

3 SEC. 8. *Penalties.* - Any person found guilty of any of the
4 offenses enumerated under Section 7 hereof shall be punished by
5 imprisonment from two (2) years to six (6) years or a fine ranging
6 from Twenty thousand pesos (P20,000.00) to Five hundred thousand
7 pesos (P500,000.00) or both, at the discretion of the Court: *Provided,*
8 That the person furnishing the capital to accomplish the acts
9 punishable herein shall be punished by imprisonment from six (6)
10 years and one (1) day to eight (8) years or by a fine ranging from
11 Five hundred thousand pesos (P500,000.00) to One million pesos
12 (P1,000,000.00) or both, at the discretion of the Court: *Provided,*
13 *further,* That if the area requires rehabilitation or restoration as
14 determined by the Court, the offender shall also be required to restore
15 the same, whenever practicable, or compensate for the damage:
16 *Provided, finally,* That if the offender is a government employee, he
17 or she shall likewise be removed from office.

18 SEC. 9. *Administrative Confiscation and Conveyance.* - The
19 Secretary shall order the confiscation in favor of the government of
20 the cave resources gathered, collected, removed, possessed or sold
21 including the conveyances and equipment used in violation of Section
22 7 hereof.

23 SEC. 10. *Fees.* - Any money collected by the DENR as
24 permit fees for collection and removal of cave resources, as a result
25 of the forfeiture of a bond or other security by a permittee, who does

19

1 not comply with the requirements of such permit issued under this
2 Act or by way of fines for violation of this Act shall be remitted
3 to the National Treasury.

4 SEC. 11. *Implementing Rules and Regulations.* - The DENR
5 shall, within six (6) months from the effectivity of this Act, issue rules
6 and regulations necessary to implement the provisions hereof.

7 SEC. 12. *Appropriations.* - The amount necessary to carry out
8 the provisions of this Act shall be included in the General
9 Appropriations Act of the year following its enactment into law and
10 thereafter.

11 SEC. 13. *Separability Clause.* - If any provision of this Act
12 is subsequently declared unconstitutional, the remaining provisions
13 shall remain in full force and effect.

14 SEC. 14. *Repealing Clause.* - Presidential Decree No. 1726-
15 A is hereby modified. Treasure hunting in caves shall be governed
16 by the provisions of this Act.

17 Except Presidential Decree No. 412 and Republic Act No.
18 4846, all other laws, decrees, orders and regulations, or parts thereof,
19 which are inconsistent with any of the provisions of this Act are
20 hereby repealed or amended accordingly.

21 SEC. 15. *Effectivity.* - This Act shall take effect fifteen (15)
22 days following its publication in two (2) national newspapers of
23 general circulation.

Approved,