

Memorandum Order No. 389

Prescribing the Procedures and Guidelines on Application for Permits to Locate, Dig and Excavate Hidden Treasures in Accordance with the Provisions of Presidential Decree No. 1726-A

1. All applications for permit to locate, dig or excavate hidden treasures shall be filed with the Legal Office of the Office of the President. Appropriate fees and bonds as prescribed by law will be collected from the applicant.
2. The application must be under oath and shall state, *inter alia*, the exact site where the digging and excavation is to be undertaken, the applicant's reasons for concluding that hidden treasures can be recovered from the site, the nature of the treasures expected to be recovered and its estimated value, the extent of work (location, digging and excavation) to be done and the estimated cost thereof, the damage which may be suffered at the site and the applicant's proposed restoration program therefor as well as the estimated cost thereof. An appropriate form will be devised for the purpose, which may be revised from time to time, when required.
3. The application must be accompanied by a vicinity/location plan duly certified by a licensed Geodetic Engineer or Surveyor specifically pinpointing and delineating the (a) exact site where the work is to be undertaken, which shall not be more than one (1) hectare for land or two hundred thousand (200,000) square meters for bodies of water, the boundaries of which shall be superimposed in the plan, and (b) the actual boundaries of the affected parcel(s) of land as well as existing improvements and significant landmarks thereon, if any, or bodies of water, as the case may be.
4. A Technical Review Committee composed of experts to be appointed by the Executive Secretary shall evaluate all applications. The technical criteria to be used by the committee for evaluating applications shall likewise be approved by the Executive Secretary. The technical evaluation of the application will be submitted to the Legal Office, who will recommend the said application to the President for consideration. If favorable, the recommendation shall state the bond (to guarantee damages arising from the excavation and restoration of the excavation site) to be required from the applicant.
5. Upon approval of the application, the applicant shall be required to execute and sign an appropriate contract to locate and excavate, which shall basically be in the form of Annex "1" hereof. For this purpose, the Head, Legal Office is hereby designated the government's authorized signatory for the contract. Upon execution of the contract and the submission of the bond required in the

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preceding paragraph, the Legal Office shall issue the permit applied for in favor of the applicant.

6. The validity period of the permit shall not exceed three (3) months but may be extended for another three (3) months for valid reasons.
7. The bond referred to in par. 4 hereof shall be obtained by the applicant from the Government Service Insurance System or, in case of the latter's failure to provide the same, from any other reputable bond company.
8. The information required to be disclosed by the applicant under par. 2 hereof shall be kept confidential for security purposes.
9. A Committee shall be created to oversee the diggings or excavations and to take possession of all monies, things and articles of value. The Committee shall be composed of the Commanding General, Presidential Security Command, or his duly authorized representative who shall represent the government; another to be designated by the Awardee and a third member with technical competence in archeology, to be designated by the first two members, who shall be the Chairman.
10. The Technical Review Committee instituted under par. 4 shall assist the Legal Office in monitoring all authorized excavations or diggings and shall submit monthly reports on the progress or result of the excavation or digging to the Office of the President.
11. The National Intelligence Coordinating Agency shall continue to conduct surveillance of all unauthorized treasure hunting activities and shall submit monthly reports thereon to the President. The first monthly report shall be submitted within 30 days from the effectivity of this Memorandum Order.

This Memorandum Order shall take effect immediately.

Done in the City of Manila, this 26th day of July in the year of Our Lord, Nineteen Hundred and Ninety-Six

By Authority of the President:



RUBEN D. TORRES
Executive Secretary

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Received

AUG 09 1996 *fdm*

Date

