

DENR Administrative Order
No 2003 – 29
July 07, 2003

SUBJECT : Implementing Rules and Regulations of the National Caves and Cave Resources Management and Protection Act (Republic Act No. 9072).

Pursuant to Section 11 of Republic Act No.9072 otherwise known as the "National Caves and Cave Resources Management and Protection Act", this Administrative Order setting forth the rules and regulations governing the implementation of this Act is hereby promulgated.

Section 1. Basic Policy. It is the policy of the State to conserve, protect, and manage natural wealth and heritage which include caves and cave resources. Toward this end, the State shall strengthen the cooperation and exchange of information between government authorities and users of caves and cave resources for scientific, educational, recreational, ecotourism and other purposes.

Sec 2. Scope and Coverage. This Order shall cover caves and cave resources within public domain and private lands, excluding any vug, aqueduct, mine tunnel, and other man-made excavations.

Sec 3. Definition of Terms. For the purpose of this Order, the following terms shall be defined as follows:

Ancestral dumains -refer to all areas generally belonging to Indigenous Peoples comprising lands, inland waters, coastal areas, and natural resources therein, held under a claim of ownership, occupied or possessed by indigenous people, by themselves or through their ancestors, communally or individually, since time immemorial, continuously to the present except, when interrupted by war, force majeure or displacement by force, deceit, stealth or as a consequence of government projects or any other voluntary

dealings entered into by government and private individuals/corporations, and which are necessary to ensure their economic, social and cultural welfare. It shall include ancestral lands, forests, pastures, residential, agricultural lands, and other lands individually owned whether alienable and disposable or otherwise, hunting grounds, burials, worship areas, bodies of water, mineral and other natural resources, and lands which may no longer be exclusively occupied by indigenous peoples but from which they traditionally had access to for their subsistence and traditional activities, particularly the home ranges of indigenous peoples who are still nomadic and/or shifting cultivators .

Archeology ..~ refers to scientific study or material remains such as fossils, relics, artifacts, features and monuments, of past human life and activities; cultural remains

Aqueduct -refers to a man-made channel designed to transport water over long distances usually by gravity; an elevated structure supporting a channel or canal passing over a river of low ground

Cave - refers to any naturally occurring void, cavity, recess or system of interconnected passages beneath the surface of the earth or within a cliff or ledge and which is large enough to permit an individual to enter, whether or not the entrance, located either on private or public land, is naturally formed or man-made. It shall include any natural pit, sinkhole, or other feature which is an extension of the entrance. The term also includes cave resources therein but not any vug, mine tunnel, aqueduct or other man-made excavation.

Cave resources -refer to any material or substance occurring naturally in caves, such as animal life, plant life, including paleontological and archaeological deposits, cultural artifacts, or products of human activities, sediments, minerals, speleogens and speleothems.

Geology - refers to the science that deals with the composition and structures of the earth and the changes it has undergone or is undergoing including the study of life and the environment which existed as recorded in the different rock sequences.

Indigenous people -refers to a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs and traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural in roads of colonization, non- indigenous religions and cultures, became historically differentiated from the majority of Filipinos Indigenous peoples shall likewise include peoples who are regarded as Indigenous on account of their descent from the populations which inhabited the country, at the time of conquest or colonization, or at the inroads of non-indigenous religions and cultures, or the establishment of present state boundaries, who retain some or all of their own social, economic, cultural and political institutions, but who may have been displaced from their traditional domains or who may have resettled outside their ancestral domains

Mineral resources - refers to any concentration of mineral rocks or rocks with potential economic value

Mining permit – refers to a permit which include exploration, quarry, sand and gravel (commercial, industrial and exclusive), gratuitous (government or private), guano, gemstone gathering and small scale mining

National Cave Committee -refers to the National Cave Management, Protection and Conservation Program Committee

Paleontology - refers to the science dealing with the life of past geological periods as known from fossil remains

Prospecting Permit -refers to a permit for the conduct of research, collection and/or utilization of cave resources for commercial purposes

Protected area - refers to portions of land and water set aside by reason of their unique physical and biological significance, managed to enhance biological diversity and protected against destructive human exploitation

Regional Cave Committee -refers to the Regional Cave Management, Protection and Conservation Program Committee

Secretary - refers to the Secretary of the DENR

Significant cave – refers to a cave, which contains materials or possess features that have archeological, cultural, ecological, historical or scientific value as determined by the DENR in coordination with the scientific community and the academe.

Sinkhole - refers to a depression in the land surface generally in a limestone region communicating with subterranean passages developed by solution.

Speleogen -refers to relief features on the walls, ceilings and floors of any cave or lava tube which are part of the surrounding bedrock, including but not limited to anastomoses scallops, meander niches, petromorphs and rock pendants in solution caves and similar features unique to volcanic caves.

Speleology - refers to a scientific study or exploration of caves

Speleothem --refers to any natural mineral formation or deposit occurring in a cave of lava tube, including but not limited to stalactite, stalagmite, helictite, cave flower, flowstone, drapery, rim stone or formation of clay or mud.

Vug - refers to a small cavity in a vein or in a rock, usually lined with crystal of a different mineral composition from the enclosing rock.

Sec 4. Implementing Agencies. The DENR, in coordination with the Department of Tourism, National Museum, National Historical Institute and concerned Local Government

Units for specific caves, shall be the lead agency tasked to implement the provisions of this Order.

In the Province of Palawan, the Palawan Council for Sustainable Development (PCSD) shall be the lead implementing agency pursuant to Republic Act No. 7611 or the Strategic Environmental Plan for Palawan Act.

Pursuant to the existing laws, the DENR shall coordinate with the following agencies:

- 4.1 Local Government Units (LGUs) in the management and protection of caves pursuant to Republic Act No.7160 (Local Government Code of 1991) and its implementing rules and regulations;
- 4.2 National Museum (NM) in the management and protection of caves assessed with cultural, paleontological and archeological values pursuant to Republic Act No.4846 (An Act Providing for the Protection and Preservation of Philippine Cultural Properties) and its implementing rules and regulations;
- 4.3 National Historical Institute (NHI) in the management and protection of caves assessed with historical value pursuant to Presidential Decree No. 1505-78 (Amending Presidential Decree No. 260, as amended, by Prohibiting the Unauthorized Modification, Alteration, Repair and Destruction of Original Features of all National Shrines, Monuments, Landmarks and other Important Historic Edifices); and,
- 4.4 Department of Tourism (DOT) in the promotion of caves classified for ecotourism and in the cave visitor management in accordance with Executive Order No. 111 (Establishing the Guidelines for Ecotourism Development in the Philippines) and Joint DENR-DOT Memorandum Circular No.98-02 (Guidelines for Ecotourism Development in the Philippines).

Sec 5. Powers and Functions of the DENR. The DENR, shall implement this Order and shall exercise the following powers and functions:

- 5.1 Conduct nationwide planning, monitoring and evaluation in the implementation of this Order through the Protected Areas and Wildlife Bureau (PAWB);
- 5.2 Enter into a Memorandum or Agreement (MOA) with any local government unit, other government agencies, non-government organization, people's organization, academic and other concerned entities for the preservation, protection, development, and management of caves through the Secretary, PAWB Director or the Regional Executive Director, except in protected areas wherein the authority is vested with the Protected Area Management Board (PAMB);
- 5.3 Coordinate/collaborate with concerned government agencies, non-government organizations, people's organizations, academe and other concerned agencies in the conduct of cave assessment;
- 5.4 Tap the cooperation of people's organizations and non-government organizations as active partners in the conservation and protection of caves and cave resources;
- 5.5 Conduct monitoring and evaluation of activities and provide technical assistance in the implementation of this Order through the Field Offices;
- 5.6 Disseminate information and conduct educational campaign on the need to conserve, protect and manage caves and cave resources through the PAWB, DENR Regional Offices and/or other interested agencies;
- 5.7 Issue permits for the collection and removal of guano and other non-biological cave resources outside protected areas through the Mines and GeoSciences Bureau (MGB) as specified in Section 14 hereof;
- 5.8 Issue permits for the collection and removal of biological resources and its derivatives in accordance with Republic Act

No.9147 (Wildlife Resources Conservation and Protection Act) and other relevant rules and regulations;

- 5.9 Determine, in consultation with concerned entities, the appropriate bonds and fees for the issuance of permits;
- 5.10 Call on any local government units, bureaus, agencies, state universities or colleges, and/or other instrumentalities of the government for assistance as the need arises in the discharge of its functions; and.
- 5.11 Exercise other powers and perform other functions as may be necessary to implement the provisions of Republic Act No.9072.

Sec 6. Caves within private Lands. Caves and cave resources are owned by the State. As such, landowners with caves inside their private lands shall secure the necessary permit from the DENR for the use, collection or removal of any cave resource found therein.

All resource utilization outside caves within private lands, including the harvesting of planted trees, shall be regulated by the DENR in accordance with existing laws, rules and regulations to preserve the integrity of the cave.

The private landowner may enter into a Tripartite MOA or Memorandum of Understanding (MOU) with the DENR and LGUs in the conservation, management and protection of caves and cave resources found therein.

Sec 7. Caves within Ancestral Domain/Land. Consistent with the provisions of Republic Act No.8371 (Indigenous Peoples Rights Act) and its implementing rules and regulations, the responsibility in the management and protection of caves and cave resources found within ancestral domain/land rests with the concerned indigenous people.

The conduct of research and other activities in caves within ancestral domain/lands shall be subject to free and prior informed consent of the concerned indigenous people.

However, should the indigenous people decide to transfer the management responsibility to the DENR over these areas, said decision must be made in writing.

Sec 8. Caves under the National Integrated Protected Areas System (NIPAS). Establishment of caves as protected areas and their management shall follow the provisions of Republic Act No.7586 (National Integrated Protected Areas System Act) and its rules and regulations.

Sec 9. Caves in other Public Lands. Caves which are not within ancestral domain/land and protected areas shall be managed in coordination with the concerned agencies mentioned in Section 4 hereof.

Sec 10. Information Concerning the Nature and Location of Significant Caves. Information concerning the nature and specific location of a potentially significant cave shall not be made available to the public within one (1) year after its discovery. During this period, the DENR in coordination with the DOT, NM, NHI, concerned LGUs, scientific community and the academe, shall assess the value of the cave. Disclosure of such information maybe made prior to the one year period upon a written request to and approval by the Secretary after ascertaining that said disclosure will further the purpose of RA 9072 and will not create any substantial risk or harm, theft or destruction on such cave.

The written request shall contain, among others, the following: (a) description of the geographic site for which the information is sought; (b) explanation of the purpose for which the information is sought; and, (c) assurance or undertaking, satisfactory to the Secretary, that adequate measures are to be taken to protect the confidentiality of such information and to ensure the protection of the cave from destruction and vandalism and unauthorized use.

The PAWB, in coordination with the DOT, NM and NHI shall prepare a list of caves assessed and classified, within one (1) year from the issuance of this Order. The list shall periodically be updated.

Prior to the issuance of the list, clearance from the PAWB shall be secured in the preparation of any information materials for a particular cave to determine if the subject cave can be publicly known.

Sec 11. Cave Management, Protection and Conservation Program (CMPCP). The CMPCP shall be formulated by the DENR, through PAWB, in coordination with concerned agencies. The Program shall cover all present programs, projects, and initiatives of the Department related to and involving the management and protection of cave ecosystem and its resources. It shall also include joint undertakings with or in support of other government units and agencies, people's organization s and non-government organizations and international entities or instrumentalities. It shall also encompass all ecological support systems contributing to the living organisms in caves and sustainable development of its resources.

The Program shall consist of the following components:

1. Cave Resource Assessment – inventory and mapping of caves, classification and documentation of the biological, geological, hydrological, paleontoloical, archeological and historical resources and other relevant cave information.
2. Resource Management and Utilization – regulation of consumptive and non-consumptive use of caves and cave resources.
3. Visitor Management – development of caves for ecotourism and regulation of cave visitors

4. Conservation, Education and Public Awareness – promote/raise awareness, appreciation and understanding on the importance of and benefits from caves and cave resources and draw out actions for their protection and conservation
5. Human Resource Development – conduct trainings and workshops to improve the manpower capability in the implementation of cave management and conservation activities.
6. Research and Development - development and implementation of researches/studies to support cave management and policy formulation

The Secretary shall create the National Cave Committee and Regional Cave Committees to be chaired by the PAWB Director and Regional Technical Director (RTD) for Protected Areas and Wildlife Sector/Service or its equivalent, respectively, to ensure the implementation of the CMPCP. The Committees shall be composed of representatives from the coordinating agencies, academe and non-government organizations, among others.

Sec 12. Cave Discovery and Classification. Any person or institution that discovers a cave/s shall report the location to the nearest DENR office. The DENR office which received the report shall inform the Protected Areas and Wildlife Division (PAWD). The PAWD shall plan the appropriate activities to be undertaken on the reported cave.

The appropriate use of the caves shall be based on the manual on cave classification prepared by the DENR.

Sec 13. Uses of Caves and Cave Resources. Caves may be used for scientific, economic, educational, ecotourism and other purposes based on the assessment and classification of the subject caves. The Regional Office, in consultation with the Regional Cave Committee, shall recommend to the Secretary, through PAWB, the allowable activities in caves in their respective regions. Such activities may be subject to Environmental Impact Statement

(EIS) System and other related rules and regulations, if appropriate.

Caves with previously issued utilization permits shall be reviewed by the Regional and/or National Cave Committee to determine the appropriateness of the status and compatibility of existing use of the caves based on classification.

For the collection of edible bird's nests and other cave resources, the DENR through the Ecosystems Research and Development Bureau, shall set the open and close season including, but not limited to the quantity, quality and size limits.

Sec 14. Permits. Appropriate permits for extraction of cave resources shall be issued in caves open for permit application. Clearance from PA WB shall be required prior to the issuance of any mining permit for cave resources pursuant to Republic Act No.7942 (Philippine Mining Act 1995) and related rules and regulations; and, prospecting permit to be issued by other concerned government agencies.

The Regional Executive Director (RED) shall issue visitor permits for caves classified for ecotourism. Corresponding visitor fees shall be set by the concerned RED in coordination with the Regional Cave Committee.

The Regional Executive Director (RED) shall issue visitor permits for caves classified for ecotourism. Corresponding visitor fees shall be set by the concerned RED in coordination with the Regional Cave Committee.

The collection of biological cave resources shall be governed by the provisions of Republic Act No. 9147 (Wildlife Resources Conservation and Protection Act) and its implementing rules and regulations.

The Secretary cannot issue permit for the removal of stalactites and stalagmites or any cave resources when it will adversely affect the value of a significant cave.

Sec 15. Treasure Hunting. The DENR, through the Mines and Geosciences Bureau in coordination with PAWB, DOT, NM and NHI and the PCSD, shall formulate a policy on treasure hunting in caves within three (3) months from the effectivity of this Order.

Sec. 16. Deputation of Cave Protection Enforcement Officers (CPEO). The RED shall deputize Cave Protection Enforcement Officers from locally based non-government organizations, community organizations, indigenous people and other volunteers who have undergone necessary training for the purpose. The Philippine National Police, the Armed Forces of the Philippines, the National Bureau of Investigation and other law enforcement agencies may be designated as cave protection enforcement officers.

The existing procedure for deputation shall be followed. The CPEOs shall be deputized for a period of one year and renewable thereafter depending on their performance.

The deputized cave protection enforcement officers shall have the full authority to seize and arrest violators of the Act subject to existing laws, rules and regulations on arrest and detention.

Sec 17. Administrative Confiscations and Conveyance. The Secretary or the concerned Regional Executive Director shall order the seizure and confiscation, in favor of the government, the gathered, collected, removed, possessed or sold cave resources including the conveyances and equipment used in violation of Section 7 of RA 9072 as reproduced in Section 18 of this Order.

The procedure on the seizure, confiscation and forfeiture of cave resources and all implements used in violation of RA 9072 shall be governed by relevant existing rules and regulations, such as but not limited to Section 4 Article 5 of Department Administrative Order No.32-97 (Administrative Adjudication of Illegal Forest Products and the Machinery, Equipment, Tools and

Conveyances Used in Connection Therewith) and Department Administrative Order No. 36-91 (Guidelines Governing the Confiscation, Seizure and Disposition of Wild Flora and Fauna Illegally Collected, Gathered, Acquired, Transported and Imported including Paraphernalia), whenever applicable.

Sec 18. Prohibited Acts. The following shall be considered prohibited acts:

18.1 Knowingly destroying, disturbing, defacing, marring, altering, removing or harming the speleogen or speleothem of any cave or altering the free movement or any animal or plant life in or out of any cave;

18.2 Gathering, collecting, possessing, consuming, selling, bartering or exchanging or offering for sale without authority of any cave resource; and,

18.3 Counseling, procuring, soliciting or employing any other person to violate any provision of this Section.

Sec 19. Penalties. Any person found guilty of any of the offense enumerated under Section 18, shall be punished by imprisonment from two (2) years to six (6) years or a fine ranging from Twenty Thousand Pesos (P20,000) to Five Hundred Thousand Pesos (P500,000) or both at the discretion of the court.

Provided, that the person furnishing the capital to accomplish the acts punishable shall be punished by imprisonment from six (6) years and one (1) day to eight (8) years or by a fine ranging from Five Hundred Thousand Pesos (P500,000.00) to One Million Pesos (P1,000,000.00) or both at the discretion of the Court.

Provided further, that if the area requires rehabilitation and/or restoration as determined by the Court, the offender shall also be required to restore the same, whenever practical, or compensate for the damage.

Provided finally, that if the offender is a government employee, he or she shall likewise be removed from the Office

Sec 20. Fees. Any money collected by the DENR as permit fees for collection and removal of cave resources, such as guano and bird's nest; as a result of the forfeiture of a bond or other security by a permittee who does not comply with the requirements of the permit issued; or by way of fines for violations of this Order, shall be remitted to the National Treasury.

All fees collected in caves within protected areas shall accrue to the Integrated Protected Area Fund pursuant to Republic Act No.7586.

All fees and charges shall be reviewed and updated periodically,

Sec 21. Bond. To answer for and guarantee payments for whatever actual damages that may be incurred by the permittee during and after the operation/undertaking, a bond shall be posted by the applicants, except for those applying for the Gratuitous Permit, as determined by the Secretary through the PAWB.

Sec 22. Appropriations. The PAWB, DENR - Regional Offices and concerned agencies shall include in their General Appropriations Act, funds for the implementation of this Order.

Sec 23. Transitory Provisions. All existing contracts, agreements, permits, and other forms of tenurial arrangements entered into, by and between the DENR and other concerned agencies/persons shall be reviewed. The Secretary shall decide whether these agreements warrant amendment; in which case, the Parties shall enter into a new agreement to conform with the provisions of this Order

Sec 24. Repealing Clause. This Order amends Department Administrative Order No.4 Series of 1994 (Establishing the Cave Management and Conservation Program and Providing Funds Thereof) and all other issuances inconsistent herewith

Sec 25. Effectivity. This Order shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Elisea G. Gozun
ELISEA G. GOZUN
Secretary
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