

REPUBLIC OF THE PHILIPPINES
HOUSE OF REPRESENTATIVES
Quezon City

SEVENTEENTH CONGRESS
Second Regular Session

House Bill No. **6899**



Introduced by **MAGDALO Party-List Representative**
HON. GARY C. ALEJANO

EXPLANATORY NOTE

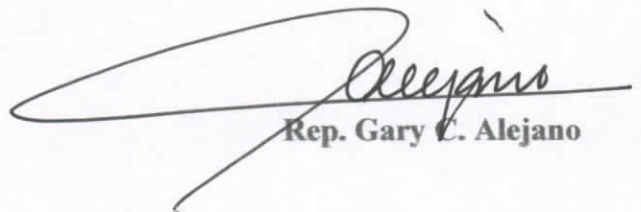
The archipelagic nature of the Philippines and its strategic maritime location in the South China Sea shows great promise as to our country's underwater cultural heritage. The discovery of various watercrafts, both indigenous and foreign: ranging from our ancestors' balangay, a galleon dating back from the Manila-Acapulco galleon trade, or a remnant of the Second World War is evidence that there are just as much Filipino history to be learned under the vast Philippine seas that needs managing and protecting.

However, the management and protection of this cultural heritage is far from perfect. Inadequate financial support from the government, weak legislation and enforcement and lack of qualified personnel are cited as some of the reasons. This is coupled with the ever active threat of pillage and destruction from treasure hunters, illegal fishing methods and the dive tourism industry.

It is timely then that another legislation be passed to recognize the State's responsibility for managing a broad range of living and non-living resources in State waters and submerged lands, including abandoned shipwrecks, which have been deserted and to which the owner has relinquished rights with no retention.

This proposed measure seeks to enforce through legislation the legal property rights of the Philippines to any abandoned shipwreck in or on the public lands of the country, its submerged lands, and territorial waters and more importantly, to guarantee the management, conservation, and development of such properties into underwater parks of great cultural and historical importance.

In view of the foregoing, approval of this measure is earnestly sought.


Rep. Gary C. Alejano

1 a) **Embedded** means firmly affixed in the submerged lands or in coralline formations such
2 that the use of tools of excavation is required in order to move the bottom sediments to
3 gain access to the shipwreck, its cargo, and any part thereof;

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5 b) **National Register** means the Philippine Registry of Cultural Property

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7 c) **Shipwreck** means a vessel or wreck, its cargo, and other contents;

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9 d) **State** means the entire territory of the Philippine government; and

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11 e) **Submerged lands** means soil lying beneath the territorial waters or on the oceanside
12 of the tidelands of the Philippines.

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14 **SEC. 4. Preparation of Guidelines. –**

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16 a) In order to encourage the development of underwater parks and the administrative
17 cooperation necessary for the comprehensive management of underwater resources related to
18 historic shipwrecks, the Secretary of Environment and Natural Resources shall within 120 days
19 after the approval of this Act, prepare and publish guidelines in the Office of the National
20 Administrative Register which shall seek to:

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22 1) maximize the enhancement of natural resources;

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24 2) foster a partnership among sport divers, fishermen, archeologists, salvors, and
25 other interests to manage shipwreck resources of the Philippines;

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27 3) facilitate access and utilization by recreational interests;

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29 4) recognize the interests of individuals and groups engaged in shipwreck
30 discovery and salvage.

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32 b) Such guidelines shall be developed after consultation with appropriate public and
33 private sector interests (including the Secretary of Trade and Industry, National Historical
34 Commission of the Philippines, the National Museum, sport divers, professional dive operators,
35 salvors, archeologists, historic preservationists, and fishermen).

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37 c) Such guidelines shall be available to assist provinces and the appropriate government
38 agencies in developing legislation and regulations to carry out their responsibilities under this
39 Act.
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1 **SEC. 5. *Rights of Ownership.* –**

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3 a) The Philippine government asserts title to any abandoned shipwreck that is—

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5 1) embedded in submerged lands of the State;

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7 2) embedded in coralline formations protected by the State on submerged lands of
8 the State

9
10 3) on submerged lands of the State and is included in or determined eligible for
11 inclusion in the National Register.

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13 b) The public shall be given adequate notice of the location of any shipwreck to which
14 title is asserted under this section. The Secretary of Environment and Natural Resources, after
15 consultation with the appropriate government agencies, shall make a written determination that
16 an abandoned shipwreck meets the criteria for eligibility for inclusion in the National Register
17 under subsection (a)(3) of this section.

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19 c) Any abandoned shipwreck in or on the public lands of the Philippines is the property
20 of the Philippine Government.

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22 **SEC. 6. *Relationship to Other Laws.* –**

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24 a) The law of salvage and the law of finds shall not apply to abandoned shipwrecks to
25 which section 6 of this Act applies.

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27 b) This Act shall not change the laws of the Philippines relating to shipwrecks, other than
28 those to which this Act applies.

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30 c) This Act shall not affect any legal proceeding brought prior to the enactment of this
31 Act.

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33 **SEC. 7. *Separability Clause.* –** If any provision, section or part of this Act shall be declared
34 unconstitutional or invalid, such judgment shall not affect, invalidate or impair any other provisions,
35 sections or parts thereof.

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37 **SEC. 8. *Effectivity.* –** This Act shall take effect immediately after approval.

Approved,