

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

TWENTIETH CONGRESS
First Regular Session

House Bill No. **6807**



Introduced by **REP. JAVIER MIGUEL L. BENITEZ**

EXPLANATORY NOTE

Treasure hunting has long been legalized in the Philippines through specific presidential decrees and subsequent implementing rules. Presidential Decree ("P.D.") No. 1726-A (1980) provided "Guidelines on Treasure Hunting" and legitimized the issuance of treasure hunting permits by the government. This legislative posture was not entirely novel, as the Civil Code of the Philippines recognizes the concept of hidden treasure, which governs discoveries made "by chance" and awards a share to the non-trespassing finder.¹ However, the deliberate and systematic regulation of treasure hunting as a commercial activity was formalized only under Martial Law, and later carried into subsequent heritage legislation.²

While such regulations were originally intended to balance private economic aspirations with the State's interests, in practice, treasure hunting has posed grave threats to the country's cultural patrimony. Archaeological sites have been irreparably disturbed by both unauthorized and permitted treasure hunts. These activities destroy stratigraphic contexts, rendering artifacts scientifically useless, and have damaged or obliterated relics dating back to the Metal Age.³ The persistence of the so-called "Yamashita Treasure" myth has further fueled widespread looting of caves, churches, cemeteries, and other heritage sites nationwide.⁴

¹ CIV. CODE, art. 438 (Phil.).

² Presidential Decree No. 1726-A (1980) (Phil.).

³ Jose Eleazar R. Bersales, Looking for Yamashita's Gold: Myth-Making and Its Impact on Public Archaeological Knowledge, 44 PHIL. Q. CULTURE & SOC'Y 183, 186-88 (2016).

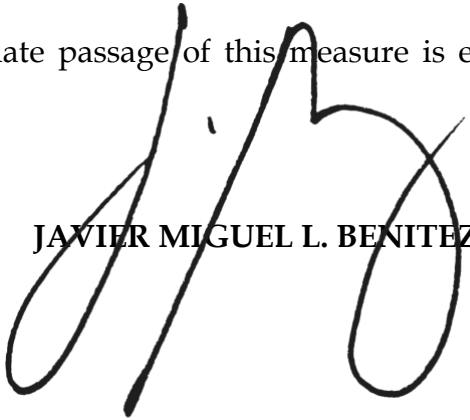
⁴ *Id.* at 191-93.

The treasure hunting permit system has also proven vulnerable to abuse. In 2019, two executives of the National Museum of the Philippines were arrested for allegedly soliciting ₱120,000 in exchange for a treasure-hunting permit, highlighting how discretionary powers and vague requirements can foster corruption. Moreover, Philippine archaeologists have documented how this framework has historically facilitated the illicit trade and even overseas smuggling of culturally significant artifacts, including the unauthorized export of thousands of objects from Philippine shipwrecks in the early 2000s.⁵

The Philippines, however, has binding international obligations that prioritize safeguarding heritage over exploitative treasure hunting. As a State Party to the 1972 UNESCO World Heritage Convention and the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, the Philippines has committed to protecting, conserving, and transmitting to future generations its cultural and natural patrimony. Domestic laws that continue to permit treasure hunting, such as P.D. No. 1726-A and provisions under Republic Act No. 10066 (2009), the *National Cultural Heritage Act of 2009*, are fundamentally inconsistent with these obligations and undermine the integrity of Philippine heritage law.

To ensure coherence in national policy and international commitments, this bill seeks to repeal all statutory provisions that permit or regulate treasure hunting. By abolishing these inconsistent legislations, the Philippines will adopt a clear stance in favor of protecting archaeological resources, cultural patrimony, and scientific research against destructive practices that prioritize short-term gain over historical preservation.

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



JAVIER MIGUEL L. BENITEZ

⁵ See Kathleen D. Tantuico & Bobby C. Orillaneda, Philippines, in *The Protection of the Underwater Cultural Heritage: National Approaches and Perspectives* 389, 389–412 (Sarah Dromgoole ed., 3d ed., Brill | Nijhoff 2025).

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**AN ACT REPEALING PRESIDENTIAL DECREE NO. 1726-A PROVIDING
GUIDELINES ON TREASURE HUNTING AND FURTHER
AMENDING REPUBLIC ACT NO. 10066**

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

SECTION 1. *Short Title.* – This Act shall be known as the “*LIGTAS (Law
Institutionalizing Guidelines for Treasure-hunting And Safeguarding) Yaman Act.*”

SEC. 2. *Repeal.* Presidential Decree No. 1726-A, otherwise known as
“Providing Guidelines on Treasure Hunting,” and all other laws, decrees,
executive orders, rules, and regulations or parts thereof that are inconsistent with
the provisions of this Act are hereby repealed.

SEC. 3. *Amendment of Republic Act No. 10066.* Section 30, paragraph (8)
of Republic Act (“R.A.”) No. 10066 (2009), otherwise known as the “National
Cultural Heritage Act of 2009,” is hereby deleted.

SEC. 4. *Formulation of Rules and Regulations.* The National Commission
for Culture and the Arts (“NCCA”) shall develop the necessary rules and
regulations to govern all archaeological activities in the country, both on land
and underwater, including exploration, excavation, or undertaking diggings for
the purpose of obtaining materials of cultural value, consistent with Section 30 of
R.A. No. 10066, as amended. No excavation or digging shall be permitted on land
or underwater without the supervision of a certified archaeologist.

Within six (6) months from the effectivity of this Act, the NCCA
shall amend the Implementing Rules and Regulations (IRR) of R.A. No. 10066,

as amended, to fully implement the provisions of this Act, including the deletion of the treasure hunting permit system and related regulations, and to ensure the protection, preservation, and responsible management of the country's cultural heritage."

SEC. 5. *Separability Clause.* If any provision of this Act is declared invalid or unconstitutional, the remainder of this Act, not affected thereby, shall remain in full force and effect.

SEC. 6. *Repealing Clause.* All laws, decrees, executive orders, rules and regulations, or parts thereof inconsistent with this Act are hereby repealed or modified accordingly.

SEC. 7. *Effectivity.* This Act shall take effect fifteen (15) days after its publication in the *Official Gazette* or in at least two (2) newspapers of general circulation.

Approved,

NOTES ON SEC. 30 OF RA NO. 10066

Section 30 of Republic Act No. 11333 states:

SEC 30. *Transfer of Regulatory Functions.* -All regulatory functions of the National Museum, as provided for by Republic Act No. 4846, Presidential Decree No. 260, Presidential Decree No. 374, Presidential Decree No. 1109, Republic Act No. 8492, Republic Act No. 9105, Republic Act No. 10066, and all other laws and issuances amending or citing as legal basis the same, shall be transferred to the National Commission for Culture and the Arts.

Such transfer of functions shall be effected within two (2) years after the effectivity of this Act. Necessary plantilla positions and organizational units within the National Commission for Culture and the Arts to appropriately carry out the transferred functions, including an additional position of Deputy Executive Director for managing the same, shall be established in coordination with the Department of Budget and Management.

Notwithstanding this section, the National Museum is enjoined to provide all technical and expert assistance within its mandated competencies, as

the National Commission for Culture and the Arts may require, in the execution of the said regulatory functions.

It shall be a matter of policy that the National Museum not be mandated to engage in any regulatory function, except that which is prescribed in Section 24 of this Act about National Government collections, but shall instead focus exclusively on developing itself as the premier museum institution and repository of the National Government in the areas provided herein and by other laws.

Thus, Section 30 of Republic Act No. 10066, as amended by Republic Act Nos. 10086, 11333, and 11961 should state:

Section 30. Anthropological Research and Archaeological Exploration / Excavation. -

(a) The ~~[National—Museum]~~ COMMISSION with respect to cultural/archaeological/anthropological matters, and the National Historical ~~[Institute]~~ COMMISSION of the Philippines, with respect to historical anthropological matters, shall regulate and control all anthropological research conducted by foreigners; and all archaeological excavation or exploration. Pursuant to the foregoing, the ~~[National Museum]~~—COMMISSION or the National Historical ~~[Institute]~~ COMMISSION of the Philippines shall deputize other agencies to protect archaeological and anthropological sites. The following rules shall guide it:

1. All cultural properties found in terrestrial and/or underwater archaeological sites belong to the State;
2. No terrestrial and/or underwater archaeological explorations and excavations for the purpose of obtaining materials and data of cultural value shall be undertaken without written authority and direct site supervision by archaeologists and/or representatives of the ~~[National Museum]~~ COMMISSION;
3. All anthropological research, for the purpose of obtaining materials and data of cultural value, and where the principal proponent is a foreign national, shall be undertaken only with the authority and under the supervision of the ~~[National Museum]~~—COMMISSION or the National Historical ~~[Institute]~~—COMMISSION of the Philippines. Anthropological research by Philippine nationals,

especially members of the indigenous communities, shall be encouraged;

4. Archaeological or anthropological materials presumed as crucial cultural property shall be allowed to leave the country only upon proper evaluation and written permission of the ~~[National Museum]~~ COMMISSION or the National Historical ~~[Institute]~~ COMMISSION of the Philippines;
5. All explorations and excavations undertaken, wherein the caves, rock shelters, and their vicinities may have been used in the prehistoric past by man either for habitation, religious and/or sacred and burial purposes all over the country, shall be under the direct jurisdiction and supervision of archaeologists and/or other experts of the ~~[National Museum]~~ COMMISSION;
6. All mining activities within caves, rock shelters, and other such areas shall require a written permit and clearance from the ~~[National Museum]~~ COMMISSION. An appropriate prior inspection by representatives of the ~~[National Museum]~~ COMMISSION, funded by the company applying for a mining right, shall be required to ensure that no archaeological materials are present and that none are destroyed;
7. This Act prohibits laypeople from excavating caves, rock shelters, and other areas. All earth-moving activities in these areas must have the proper permit and clearance from the ~~[National Museum]~~ COMMISSION and be monitored by their representatives;
8. All treasure hunting permits and licenses shall be issued by the ~~[National Museum]~~ COMMISSION, which shall formulate the rules and regulations to adequately control, regulate, and monitor all applicants for such undertakings; and
9. The provisions of this Act on the exploration and excavation of terrestrial and underwater archaeological sites shall supersede all resolutions and ordinances of local, municipal, regional, and autonomous regional governments.

(b) When the presence of any cultural or historical property is discovered, the ~~[National Museum]~~ COMMISSION or the National Historical ~~[Institute]~~ COMMISSION of the Philippines shall immediately suspend all activities that will affect the site and shall immediately notify the local government unit having jurisdiction of the place where the discovery was made. The local government shall promptly adopt measures to protect and safeguard the integrity of the cultural property so discovered and, within five (5) days from the discovery, shall report the same to the appropriate agency. The suspension of these activities shall be lifted only

upon the written authority of the [~~National Museum~~] COMMISSION or the National Historical [~~Institute~~] COMMISSION of the Philippines and only after the systematic recovery of the archaeological materials.

(c) The Commission, upon the recommendation of the appropriate cultural agency, shall provide incentives for persons who discover and report heretofore unknown archaeological sites, in accordance with its rules and regulations implementing the provisions of this Act.

(d) Any government or nongovernment infrastructure project or architectural site development shall include anthropological, archaeological, historical, and heritage site conservation concerns in its Environmental Impact Assessment System.