

Office of the President
of the Philippines
Malacañang

MEMORANDUM ORDER NO. 64

PRESCRIBING THE CRITERIA FOR THE TECHNICAL EVALUATION OF
ALL APPLICATIONS FOR INLAND TREASURE HUNTING AND
SHIPWRECK RECOVERY PERMITS IN ACCORDANCE WITH THE
PROVISIONS OF PRESIDENTIAL DECREE NO. 1726-A AND
MEMORANDUM ORDER NO. 389, SERIES OF 1996

In order to rationalize the system of evaluation of applications for inland treasure hunting or shipwreck recovery permits, and as recommended by the Technical Review Committee on Treasure Hunting constituted under Memorandum Order No. 48 dated January 27, 1999, the following criteria are hereby issued pursuant to Memorandum Order No. 389 dated July 26, 1996 and in accordance with Presidential Decree No. 1726-A dated October 1, 1980.

SECTION 1. *Scope and Coverage.* – Treasure hunting permits shall be issued for the following:

- a. All inland treasure hunting activities in government properties or portions of the public domain. These involve any and all inland activities such as but not limited to locating, digging or excavating, securing, transporting and disposition of recovered treasures.
- b. All shipwreck recovery activities. These involve any and all underwater activities such as but not limited to surveying, locating and exploring, salvaging and recovery of sunken vessels and all cargoes and other valuable items therein, including the process of securing, preservation, documentation and disposition of the salvaged or recovered valuables.

Treasures found in private properties shall be governed by the Civil Code, in accordance with Sec. 7 of P.D. No. 1726-A.

SEC. 2. *Qualified Applicants.* – The following individuals or entities may apply for treasure hunting permits:

- a. For inland treasure hunting activities: Individuals, single proprietorships, partnerships or corporations may apply for inland treasure hunting permit. Applicants must be able to show verifiable documentary and/or testimonial proof of existence of the claimed hidden treasures. They must also prove personal and/or corporate integrity, and financial and technical capability to undertake the project.

- b. For shipwreck recovery: Only corporations or partnerships duly registered with the Securities and Exchange Commission (SEC) may apply for shipwreck recovery permit. Applicants must be able to show verifiable documentary and/or testimonial proof of existence of the shipwreck and valuable cargo, and prove financial and technical capability to undertake shipwreck recovery operation.

SEC. 3. Criteria/Guidelines for the Technical Evaluation. – The legal, technical, financial and operational capabilities of the applicant shall be evaluated in accordance with the following criteria or guidelines:

a. Legal and Administrative Capability

1. The applicant must accomplish and submit the prescribed Personal and/or Corporate Information Sheet.
2. To validate personal and/or corporate circumstances, the following documents should be submitted:
 - 2.1. National Bureau of Investigation (NBI) clearance
 - 2.2. Philippine National Police (PNP) clearance
 - 2.3. Local Police clearance and
 - 2.4. Provincial/City Prosecutor's clearance.

The same clearances apply to all project consultants and personnel.

3. Applicants of foreign nationality shall also submit:
 - 3.1. a copy of their Alien Certificate of Registration (ACR)
 - 3.2. a certification of good moral character
 - 3.3. technical and financial capability authenticated by their respective Consular Offices and validated by the Philippine Consular offices.
4. For corporations and/or partnerships:
 - 4.1 the applicant must secure from the SEC a certificate of good corporate standing
 - 4.2 the applicant must show evidence of corporate mandate to engage in the Project.
 - 4.3 submit certified true copies of the following:
 - 4.3.1 SEC Articles of Registration
 - 4.3.2 Board resolutions authorizing the Project and appointing a Project Officer, and
 - 4.3.3 Mayor's Permit where the business is located.

5. When the area to be affected involves both public and private land, i.e. it is situated in government property or a portion of public domain but the diggings are bound to affect neighboring lands which are privately owned, the applicant must show proof of the consent of property owner where the project is located.
6. The applicant must submit a certified true copy of notarized Joint Venture Agreement(s), if any.

b. Technical Capability

1. The applicant for treasure hunting must describe in detail the following:
 - 1.1. vicinity/location;
 - 1.2. applicant's reasons for concluding that hidden treasures exist or can be recovered from the site;
 - 1.3. procedures and processes to be employed to recover the hidden treasure/appropriate technologies that will be utilized in the various stages of the operations;
 - 1.4. extent and program of work (locating, digging and excavating activities) to be done including the required number of days, project phasing and schedule of activities;
 - 1.5. nature and extent of damages to the environment, if any; and the applicant's proposed restoration program and budget. This shall be the basis for the assessment and submission of the required surety bond for the restoration works;
 - 1.6. equipment specifications, mode of acquisition and cost estimates;
 - 1.7. breakdown of estimated project costs.
2. The applicant for shipwreck salvaging must describe in detail the following:
 - 2.1 vicinity/location;
 - 2.2 applicant's reasons for concluding the existence of a shipwreck with cargo or items that are valuable and worth recovering from the site;
 - 2.3 appropriate technologies that will be utilized in the various stages of the operations;
 - 2.4 nature and extent of damages to the environment, if any; and the applicant's proposed restoration program and budget. This shall be the basis for the assessment and submission of the required surety bond for the restoration works;
 - 2.5 project phasing, work program and schedule of activities in such form as may be required by the Technical Review Committee;
 - 2.6 equipment specifications, mode of acquisition and cost estimates;
 - 2.7 breakdown of estimated project costs.

3. The applicant shall submit a list of experts/technical consultants they intend to hire. Contracts and agreements, if any, shall accompany respective professional resumes.

c. Financial Capability

To facilitate the financial evaluation, the following documents will be required:

1. project financial statements including monthly projection of cash flow requirements from pre-operating phase to end of project;
2. bank guarantees, credit lines and cash deposits and other proofs or evidences of the sources of funding or access to financing;
3. certified true copies of audited corporate financial statements;
4. bank references;
5. latest income tax returns.

d. Managerial and Operational Capability

To evaluate managerial and operational capability, the following information and documents must be submitted:

1. Table of organization and compensation schedule;
2. Profile of shareholders/investors, officers and project management team.

SEC. 4. Required Documents. – Documents required in support of the applications as stated in Annex “A”, which forms part of this Memorandum Order, shall be submitted by applicants.

SEC. 5. Effectivity – This Memorandum Order shall take effect immediately.

DONE in the City of Manila, this 31st day of MAY, in the year of Our Lord, nineteen hundred and ninety-nine.

By authority of the President:



RONALDO B. ZAMORA
Executive Secretary

ANNEX "A"
CHECKLIST OF REQUIREMENTS

A) Legal and Administrative Aspects

1. Personal Information Sheet
2. Corporate Information Sheet
3. Pro-Forma Inland Treasure Hunting Contract/Shipwreck Recovery Contract
4. SEC Registration, Articles of Incorporation and By-laws
5. Bureau of Domestic Trade Registration
6. Corporate Authority to Engage in the Project
7. Board Resolution Appointing and Authorizing the Project Officer
8. SEC Certification of good corporate standing
9. Mayors Permit where business is located
10. National Bureau of Investigation (NBI) Clearance
11. Philippine National Police and Local Police clearances
12. Provincial/City Prosecutor's Clearance
13. Alien Certificate of Registration (ACR)
14. Certification from respective Consular Office of good moral character and technical and financial capability
15. Consent of property owner
16. Joint Venture Agreements

B) Technical Aspect

1. Verifiable research work undertaken or testimonies in relation to the hidden treasures or sunken vessel
2. Location/Vicinity Maps
3. Specifications and Cost of Equipment
4. Applicable Technologies to be used
5. Profile of Experts/Technical Consultants
6. Detailed Activity Plan, Work Process and Schedules
7. Detailed Project Cost Estimates

C) Financial Aspect

1. Latest Corporate Financial Statements
2. Sources of Funding or evidence of access to financing
3. Project Itemized Budget, Cash Flow Projections or financial supporting documents
4. Bank References
5. Latest Income Tax Returns

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D) Organizational and Operational Aspect

1. Corporate and Project Organizational Structure and Compensation Scheme
2. Project Management Team
3. List of Personnel and Qualifications

E) Others

As may be required

PERSONAL INFORMATION SHEET

NOTE:

Any false statement or information supplied in this Personal Information Sheet shall be a ground for the denial of the application or the nullification or revocation of any treasure hunting or shipwreck recovery permit issued by the Government, without prejudice to appropriate criminal prosecution.

A. PERSONAL CIRCUMSTANCES:

1. Name _____
2. Date of Birth _____
3. Place of Birth _____
4. Citizenship _____
5. Residence _____
6. Telephone No. _____
7. Name of Spouse _____
8. Contact Person, In
Case of Emergency, _____
Address and Telephone _____

B. EDUCATIONAL ATTAINMENT: (school and year graduated)

1. Elementary _____
2. High School _____
3. College/Degree _____

C. WORK EXPERIENCE: (Employer, position held and duration of employment for the last five years)

1. _____
2. _____
3. _____

D. BUSINESS RELATIONS: (Please disclose any business(es) presently engaged in either as a proprietor, business partner, or major stockholder)

1. Trade Name _____
2. Office Address _____
3. Amount of Capital _____

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4. Position Held _____
5. Bank References _____

E. CHARACTER BACKGROUND:

1. Have you ever been criminally charged/convicted? _____, If so, please furnish the following details:

- a. Case No. _____
b. Case Title _____
c. Court _____
d. Offense/Charge _____
e. Status _____

2. Have you ever been civilly charged? _____, If so, please furnish the following details:

- a. Case No. _____
b. Case Title _____
c. Court _____
d. Offense/Charge _____
e. Status _____

3. Please list three character references in your locality and their respective addresses none of whom should be related to you within the fourth civil degree:

- a. _____

- b. _____

F. EXPERIENCE IN TREASURE HUNTING or SHIPWRECK RECOVERY:

1. Have you ever been granted a treasure hunting permit by the Government? _____
If yes, please enumerate the date and location covered by the said permits, if any:

DATE	LOCATION
a.	
b.	
c.	

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2. Have you ever recovered treasure from any of the above locations? _____, If so, please provide details: _____

G. GENERAL INFORMATION:

NOTE:

Except upon prior written consent of and under such terms and conditions as may be determined and allowed by the government, all permits granted by the government shall not apply to government buildings, dams, watersheds and other areas or sites reserved or used for purposes affecting vital national interest, military or naval camps, bases and reservations, shrines and other hallowed places. A licensed Geodetic Engineer or Surveyor must duly certify any submitted vicinity/location map. The vicinity map should pinpoint and delineate the (a) exact site where the work is to be undertaken (not be more than one (1) hectare for land or twenty (20) hectares 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 the existing improvements and significant landmarks thereon if any.

1. Please identify/specify location of your proposed treasure hunting operation (barangay, town, province/city) _____
2. Approximate total cost of excavation/exploration/operation _____
3. Do you have financial capability/resources to shoulder the cost of excavation/exploration/recovery operation? _____
4. Approximate duration of the whole operation: _____
5. What are the various stages of operations and how long will these different stages take? (Please write in a separate page).
6. Are you willing to post a cash bond and/or performance bond to answer for any damages that may be caused to any government property in the process of exploration or excavation? _____ (Note: The posting of above-mentioned bond is a requirement for the issuance of a permit).
7. In hiring the services of laborers and/or experts for the project, are you willing to comply with the provisions of labor laws to ensure that said laborers and/or experts are properly compensated and sufficiently insured against any risk to which they may be exposed? _____ (Note: This is also a requirement for the issuance of a permit).
8. Are you willing to secure the necessary government permits relative to doing business in the Philippines? _____
9. Are you going to co-venture with other partners? _____. If so, who are they? (Please write in a separate page, if necessary). _____

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I hereby declare under oath that foregoing is true and correct.

(Date)

(Signature of Applicant)

SUBSCRIBED AND SWORN to before me, this _____ day of _____, affiant
exhibiting to me his Residence Certificate No. _____ issued
at _____ on _____.

Administering Officer

CORPORATE INFORMATION SHEET

NOTE:

Any false statement or information supplied in this Corporate Information Sheet shall be a ground for the denial of the application or the nullification or revocation of any treasure hunting or shipwreck recovery permit issued by the Government, without prejudice to appropriate criminal prosecution.

A. Corporate/Partnership Profile:

Name of Corporation/Partnership _____

Founding Date _____

Capitalization _____

List on separate sheet:

1. Set of officers or partners with their titles.
2. Home addresses.
3. Telephone contact numbers.

Legal Representation _____

Address _____

Telephone _____

Contact Person _____

Please submit the following:

1. Photo copy of SEC Registration
2. Articles of Incorporation/Partnership
3. By-laws
4. Corporate Authority/Resolution to Engage in the Project
5. Resolution Appointing and Authorizing Project Officer
6. SEC Certification of Good Corporate Standing
7. Organizational Chart

B. Personal Circumstances: (Representative applying for this permit shall also accomplish the prescribed Personal Information Sheet).

I hereby declare under oath that foregoing is true and correct.

(Date)

(Signature of Applicant)

SUBSCRIBED AND SWORN to before me, this _____ day of _____, affiant exhibiting to me his Residence Certificate No. _____ issued at _____ on _____.

Administering Officer